

Michigan Register

Issue No. 17– 2002 (Published October 1, 2002)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 17 — 2002

(This issue, published October 1, 2002, contains
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John Engler, Governor



Dick Posthumus, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
2002		
1	January 15, 2002	February 1, 2002
2	February 1, 2002	February 15, 2002
3	February 15, 2002	March 1, 2002
4	March 1, 2002	March 15, 2002
5	March 15, 2002	April 1, 2002
6	April 1, 2002	April 15, 2002
7	April 15, 2002	May 1, 2002
8	May 1, 2002	May 15, 2002
9	May 15, 2002	June 1, 2002
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22	December 1, 2002	December 15, 2002
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 1996-033

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTORS OFFICE

EMPLOYMENT SECURITY BOARD OF REVIEW

Filed with the Secretary of State on September 12, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 36(1) of 1936 PA 1, MCL 421.36, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 421.1101, R 421.1103, R 421.1110, R 421.1111, R 421.1203, R 421.1208, R 421.1304, R 421.1305, and R 421.1307 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 421.1101 Definitions.

Rule 101. As used in these rules:

- (a) “Act” means 1936 Extra Session PA 1, MCL 421.1 et seq.
- (b) “Agent office” means an unemployment insurance office outside the state of Michigan serving as agent of the bureau.
- (c) “Board of review” means the Michigan employment security board of review.
- (d) “Bureau” and “commission” both mean the bureau of workers’ & unemployment compensation.
- (e) Unless the context otherwise requires, the word “party” means the bureau, the employing unit, and the claimant, and includes an agent or attorney of the bureau, the employing unit, or the claimant.

R 421.1103 Principal office of commission and board; location.

Rule 103. (1) For unemployment compensation purposes, the principal office of the Bureau of Workers’ & Unemployment Compensation is Cadillac Place, 3024 W. Grand Blvd, Detroit, Michigan 48202.

(2) The principal office of the Michigan Employment Security Board of Review is 105 West Allegan, Lansing, Michigan 48909.

R 421.1110 Employer or claimant fraud; hearing procedure.

Rule 110. (1) A hearing of employer or claimant fraud under section 54, 54a, 54b, 54c, OR 62(b), (c), or (d) of the act shall be preceded by a written notice of the penalties and issues involved.

(2) Where one party, including the bureau, has documentary evidence or witnesses concerning another party's alleged fraud, the party shall make a witness list and the documentary evidence available to the other party or parties not less than 10 days before a fraud hearing.

R 421.1111 Decisions of board and courts; subject matter index; copies.

Rule 111. Copies of Michigan court decisions involving the act where the bureau is a party shall be kept on file by the bureau at Cadillac Place, 3024 W. Grand Blvd., Detroit, Michigan 48202. To the extent practicable, the board of review shall maintain a digest, indexed by subject, of selected board of review and related court decisions. The subject matter index and copies of the decisions shall be available to the public for reference purposes.

PART 2. APPEALS TO REFEREES

R 421.1203 Notice of hearing.

Rule 203. (1) Except as required by subrule (4) of this rule, notice of the time and place of any hearing before a referee, and a short and plain statement of the issues involved, shall be mailed to, or personally served upon, each party by mail or personal service not less than 10 days before the date of the hearing.

(2) The notice shall be deemed mailed on its date of mailing.

(3) When a referee adjourns a hearing for which notice has been given, notice to the parties of the new hearing date may be given orally if the new hearing date is within 10 days of the old hearing date. Otherwise, the new notice shall be mailed.

(4) When a hearing involves employer or claimant fraud under section 54, 54a, 54b, 54c, or 62(b), (c), or (d) of the act, the notice of hearing shall be mailed to, or personally served upon, each party by mail or personal service not less than 20 days before the date of the hearing.

R 421.1208 Hearing location; telephone hearing.

Rule 208. (1) A referee, in his or her discretion, may order that the testimony of parties and witnesses be taken by conference telephone or at a place or places of hearing convenient to the parties and witnesses.

(2) If a divided hearing or telephone hearing procedure is used, a party to the hearing shall submit any documents he or she intends to introduce at the hearing to the other parties and to the referee in time to ensure the documents are received before the date of the scheduled hearing. All documents submitted to the referee shall be identified on the record.

(3) If a hearing is conducted by conference telephone, the referee shall, on the record, make inquiries that the referee deems appropriate to ascertain the identity of the individuals participating by telephone.

(4) The referee may, on the referee's motion or on the motion of a party, adjourn any divided hearing or telephone hearing in progress if, in the referee's opinion, conducting the hearing in that manner is unsatisfactory.

PART 3. APPEALS TO BOARD OF REVIEW

R 421.1304 Oral argument; application; reasons.

Rule 304.(1) Oral argument to the board of review shall be by permission only.

(2) If a party wishes to apply for permission to make an oral argument to the board of review, the party shall make a request, in writing, setting forth the reasons for requesting permission for oral argument.

(3) Reasons for requesting oral argument include, but are not limited to, any of the following:

(a) The appeal involves an issue on which the law is unsettled or unclear.

- (b) The appeal involves an issue of major precedential value.
- (c) The record made by the referee is so lengthy that oral argument will be of special assistance to the board in reviewing the record.
- (d) Unusual complexities affecting the referee's decision were present at any stage of the proceedings.
- (e) The referee's decision departed from established legal precedent.
- (4) To be timely, the application shall be received by the board of review not later than 20 days after the mailing date of the referee hearing transcript, unless a reason constituting good cause is given.
- (5) To be granted, the application shall be approved by 2 members of the board of review panel assigned to review the appeal.
- (6) The board of review may consider oral argument presented by conference telephone.

R 421.1305 Presentation of additional evidence; application.

Rule 305. (1) Presentation of additional evidence to the board of review shall be by permission of the board of review only.

- (2) If a party wishes to apply to the board of review for permission to present additional evidence, he or she shall make an application in writing setting forth his or her reasons for applying for permission.
- (3) To be timely, the application shall be received by the board of review not later than 20 days after the mailing date of the referee hearing transcript, unless a reason constituting good cause is given.
- (4) To be granted, the application shall be approved by 2 members of the board of review panel assigned to review the appeal.

R 421.1307 Written argument; reply; deadlines; consideration; agreement; application for oral argument or additional evidence not deemed written argument; amicus briefs.

Rule 307. (1) A party's written argument, if any, together with a statement of service of a copy on each other party, shall be received by the board of review not later than 20 days after the mailing date of the referee hearing transcript. However, if an oral hearing is directed, written argument may be presented at any time at or before the oral hearing.

- (2) A reply, if any, to another party's timely written argument, together with a statement of service of a copy on each other party, shall be received by the board of review not later than 20 days after the mailing date of the other party's written argument.
- (3) An extension of time for the filing of written argument may be permitted by the board if warranted by the circumstances.
- (4) The board of review may consider a party's written argument only if any of the following conditions exist:
 - (a) All parties are represented by an attorney or other agent of record.
 - (b) All parties agree that the board may consider written argument.
 - (c) The board orders oral argument before it.
 - (d) The board orders evidence produced before it.
- (5) As to subrule (4)(b) of this rule, the agreement shall be signed by each party and received by the board of review not later than 20 days after the mailing date of the referee hearing transcript.
- (6) A party's application to the board of review for either oral argument or additional evidence shall not be deemed a written argument within the meaning of this rule.
- (7) When the parties are permitted to submit written argument pursuant to this rule and section 34 of the act, the board of review may consider requests for permission to submit an amicus brief from persons or organizations that are not parties to the matter before the board. If the board, in its discretion, grants such a request, all parties

shall be notified and the brief shall thereafter be submitted to the board, together with a statement of service of a copy on each of the parties.

ADMINISTRATIVE RULES

ORR # 2000-048

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on September 10, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 19 and 21 of 1974 PA 154 and Executive Reorganization Order No. 1996-2, MCL 408.1019, 408.1021, and 445.2001)

R 408.41801, R 408.41836, R 408.41837, R 408.41838, R 408.41841, R 408.41842, R 408.41851, R 408.41852, R 408.41853, R 408.41861, R 408.41863, R 408.41864, R 408.41866, R 408.41868, R 408.41869, R 408.41871, R 408.41875, R 408.41876, R 408.41877, and R 408.41884 of the Michigan Administrative Code are amended and R 408.41802 is added to the Code as follows:

PART 18. FIRE PROTECTION AND PREVENTION

R 408.41801 Scope.

Rule 1801. This part pertains to all of the following:

- (a) Fire prevention plans.
- (b) Employee emergency plans.
- (c) Fire fighting equipment.
- (d) The storing and dispensing of flammable and combustible materials.
- (e) Heating devices for construction operations.

R 408.41802 Adoption of standards.

Rule 1802. (1) The standards specified in this rule, except the standards specified in subrule (5) of this rule, are adopted by reference in these rules.

(2) The following standards are adopted by reference in these rules and are available from The National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02269-9101, USA; telephone number: 617-770-3000; or via the internet at web-site: www.nfpa.org; or at the Michigan Department of Consumer and Industry Services, MIOSHA Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at a cost as of the time of adoption of these rules as stated:

- (i) NFPA 13 "Installation Of Sprinkler System" 1991 edition. Cost \$67.50.
- (ii) NFPA 14 "Standard For The Installation Of Standpipe, Private Hydrants And Hose Systems", 2000 edition. Cost \$26.75.

- (iii) NFPA 25 “Inspection, Testing, And Maintenance Of Water-Based Fire Protection Systems”, 1998 edition. Cost \$35.25.
- (iv) NFPA 251 “Standard Methods Of Fire Testing Of Building Construction And Materials,” 1990 edition. Cost \$13.50.
- (v) NFPA 30 “Flammable And Combustible Liquids Code,” 1996 edition. Cost \$29.75.
- (vi) NFPA 385 “Standard For Tank Vehicles For Flammable And Combustible Liquids,” 1990 edition. Cost \$22.25.
- (vii) NFPA 58 “Storage And Handling Of Liquefied Petroleum Gases”, 1992 edition. Cost 32.25.
- (viii) NFPA 52 “The Compressed Natural Gas Vehicular Fuel Systems,” 1992 edition. Cost \$13.00.
- (ix) NFPA 59A “Production, Storage And Handling Of Liquefied Natural Gas,” 1990 edition. Cost \$18.00.
- (3) Compressed Gas Association Standard CGA C7 “Guide To The Preparation Of Precautionary Labeling And Marking Of Compressed Gas Containers,” 2000 edition, which is adopted by reference in these rules and is available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com> at a cost as of the time of adoption of these amendments of \$294.00; or at the Michigan Department of Consumer and Industry Services, MIOSHA Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.
- (4) The provisions of 49 C.F.R. Parts 186-199, are adopted by reference in these rules and are available from The Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, USA, telephone number: 1-866-512-1800 or via the internet at web-site: <http://bookstore.gpo.gov> at a cost as of the time of adoption of these amendments of \$2.00; or at the Michigan Department of Consumer and Industry Services, MIOSHA Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.
- (5) Michigan Construction Safety Standard Part 22 “Signals, Signs, Tags and Barricades,” being R 480.42201 et seq. which is referenced in R 408.41861, R 408.41863, R 408.41864, and R 408.41869, is available for inspection and distribution at no charge from the Michigan Department Of Consumer and Industry Services, MIOSHA Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48908-8143, or via the internet at web-site: www.michigan.gov/cis

R 408.41836 Definitions; A to C.

- Rule 1836. (1) “Approved” means equipment that has been listed or approved by a nationally recognized testing laboratory which issues approvals for the equipment.
- (2) “Closed container” means a container which is sealed by means of a lid or other device so that neither liquid nor vapor will escape from it at ordinary temperatures.
 - (3) “Combustible” means capable of burning.
 - (4) “Combustible liquid” means any liquid that has a flash point at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 200 degrees Fahrenheit (93.4 degrees Celsius).
 - (5) “Container in use” means a container connected for use.

R 408.41837 Definitions; F.

- Rule 1837. (1) “Fire alarm signaling system” means an alerting signal which is clearly audible throughout all areas and which would immediately alert employees in case of an emergency.
- (2) “Fire fighting equipment” means any of the following:
 - (a) Portable extinguishers.
 - (b) Fixed fire equipment.
 - (c) Water barrels and pails.

(d) Standpipes.

(e) Fire hose.

(f) Fire alarms.

(3) "Fire protection" means to provide fire fighting equipment, training, and evacuation plans.

(4) "Fire resistance" means that quality of a material which renders it so resistant to fire that, for a specified time and under conditions of a standard heat intensity, the material will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the fire test of building construction and materials, as prescribed in The National Fire Protection Association Standard NFPA 251, "Standard Methods Of Fire Testing Of Building Construction And Materials," 1990 edition, which is adopted by reference in R 408.41802.

(5) "Fixed fire equipment" means a fire extinguishing system that is permanently mounted and portable portions of a system, such as a hose and nozzle attached to a fixed supply of extinguishing agent.

(6) "Flammable" means to ignite easily and burn intensely or means to have a rapid rate of flame spread.

(7) "Flammable liquid" means any liquid which has a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius) and which has vapor pressure of not more than 40 pounds per square inch (absolute) at 100 degrees Fahrenheit (37.8 degrees Celsius).

(8) "Flash point" means the temperature at which a liquid gives off vapor sufficient to form an ignitable mixture with air near the surface of the liquid or within the vessel used, as determined by the following appropriate test procedure and apparatus:

(a) The flash point of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100 degrees Fahrenheit (37.8 degrees Celsius) and a flash point below 175 degrees Fahrenheit (79.4 degrees Celsius).

(b) The flash point of liquids having a viscosity of 45 Saybolt Universal Second(s) or more at 175 degrees Fahrenheit (79.4 degrees Celsius).

R 408.41838 Definitions; L to V.

Rule 1838. (1) "Liquefied petroleum gas," "L.P.G.," or "L.P. gas" means any material which is composed predominately of any of the following hydrocarbons or mixtures of hydrocarbons:

(a) Propane.

(b) Propylene.

(c) Butane.

(d) Isobutene.

(e) Butylene.

(2) "Means of egress" means a continuous path of travel from any part within a building to the open air outside at ground level.

(3) "Portable container ---- L.P.G." means a container designed to be readily moved and transported, either filled or partially filled. The containers shall have all container appurtenances protected so that they can be safely handled as a package.

(4) "Portable tank ---- flammable and combustible liquid" means a closed container which is made of metal, which has a liquid capacity of more than 60 United States gallons, which is not intended for fixed installation, and which is designed so that it will safely relieve internal pressure when exposed to fire.

(5) "Safety can" means an approved metal or nonmetallic container which has a capacity of not more than 5 gallons, which has a flash-arresting screen, spring closing lid and spout cover, and which is designed so that it will safely relieve internal pressure when exposed to fire.

(6) "Temporary building" means a structure erected or placed for a period not longer than the project construction time.

(7) “Temporary heating device” means a heating unit to provide heat for a period not longer than the project construction time.

(8) “Vapor pressure” means the pressure, measured in pounds per square inch (absolute), exerted by a volatile liquid.

R 408.41841 Employer responsibility.

Rule 1841. (1) An employer shall be responsible for the development and maintenance of a fire protection and prevention program to be followed during all phases of construction to reduce the chance of fire and injury to employees.

(2) The fire protection portion of the program shall include all of the following:

(a) Establishing and maintaining a means of egress from all areas of the building occupied by employees to provide free and unobstructed egress from all parts of the building or structure at all times when the building or structure is occupied. A lock or fastening that prevents free escape from the inside of any building shall not be installed, except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

(b) Posting fire rules or, by other means, informing the employees of the evacuation signal, escape routes, and emergency phone numbers. Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach the exit is not immediately visible to the occupants.

(c) A requirement that means of egress shall be continually maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(3) The fire prevention portion of the program shall include both of the following:

(a) A housekeeping policy designed to keep a means of egress free from the accumulation of stored materials and debris and to reduce the likelihood of fire.

(b) A policy for the storage of combustible and flammable liquids and materials and for the use of proper heating equipment as prescribed in this part.

(4) Fire fighting equipment shall be provided by the employer and meet all of the applicable requirements of this part as to location, accessibility, inspection, testing, and maintenance. Defective equipment shall be immediately replaced.

(5) The requirements of this rule may be satisfied by 1 employer who is designated by all of the employers on the job if an agreement to that effect is reduced to writing and posted for all employees, employers, and representatives of the department of consumer and industry services to see. The agreement shall include authority for the designated employer to comply with this rule.

(6) An employer shall furnish training to an employee before the employer assigns an employee to perform maintenance on a fixed fire system.

(7) An employer shall ensure that fire walls and exit stairways required for the completed buildings are given construction priority. Fire doors with automatic closing devices shall be hung on openings as soon as practicable.

(8) An employer shall retain existing fire separations in buildings undergoing alterations or demolition until operations necessitate their removal.

R 408.41842 Employee emergency action plans.

Rule 1842. (1) This rule applies to all emergency action plans required by a particular MIOSHA or OSHA safety or health standard. The emergency action plan shall be in writing, except as provided in subrule (8) of this

rule, and shall cover the designated actions that employers and employees must take to ensure employee safety from fire and other emergencies.

(2) All of the following elements, at a minimum, shall be included in an employee emergency action plan:

- (a) Emergency escape procedures and emergency escape route assignments.
 - (b) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate.
 - (c) Procedures to account for all employees after emergency evacuation has been completed.
 - (d) Rescue and medical duties for those employees who are to perform them.
 - (e) The preferred means of reporting fires and other emergencies.
 - (f) Names or regular job titles of persons of departments that can be contacted for further information or an explanation of duties under the plan.
- (3) An employer shall establish, in the emergency action plan, the types of evacuation to be used in emergency circumstances.
- (4) Before implementing the emergency action plan, an employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.
- (5) An employer shall review the plan at the following times with each employee who is covered by the plan:
- (a) Initially when the plan is developed.
 - (b) When the employee's responsibilities or designated actions under the plan change.
 - (c) When the plan is changed.
- (6) Upon initial assignment, an employer shall review, with each employee, the parts of the plan that an employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review. For employers that have 10 or fewer employees, the plan may be communicated orally to employees and the employer need not maintain a written plan.
- (7) An employer shall provide, as warranted by the project, a trained and equipped fire fighting organization (fire brigade) to assure adequate protection to life.

R 408.41851 Portable fire extinguishing equipment; selection and installation.

Rule 1851. (1) All portable fire extinguishers shall bear an approved label of a nationally recognized testing laboratory. A fire extinguisher or extinguishing device that contains an active agent or propellant which has thermal decomposition products that have a level of vapor toxicity equal to or greater than any of the following listed materials shall not be used, installed for use, or allowed to remain installed for use:

- (a) Carbon tetrachloride, CCl_4 .
- (b) Chlorobromomethane, CH_2BrCl .
- (c) Azeotropic chlormethane, CM_7 .
- (d) Dibromodifluoromethane, CBr_2F_2 .
- (e) 1, 2-dibromo-2-chloro-1, 1, 2-trifluoroethane, Cbr-F_2 , CBrClF .
- (f) 1, 2-dibromo-2, 2-difluoroethane, $\text{CH}_2\text{BrCbrF}_2$.
- (g) Methylbromide, CH_3Br .
- (h) Ethylene dibromide, $\text{CH}_2\text{BrCH}_2\text{Br}$.
- (i) Hydrogen bromide, HBr .
- (j) Methylene bromide, CH_2Br_2 .
- (k) Bromodifluoromethane, CHBrF_2 .

(2) A portable fire extinguisher that has a rating of not less than 2A shall be provided for each 3,000 square feet of the protected building area at each floor level and along the means of egress to facilitate the evacuation of

employees, unless otherwise required by this part. The travel distance to the nearest fire extinguisher shall be not more than 100 feet. In multistory buildings, at least 1 fire extinguisher shall be located adjacent to a stairway.

(3) Fire fighting equipment shall be located where it will be readily seen and accessible along normal paths of travel in the protected area.

(4) One 55-gallon open drum of water and 2 fire pails may be substituted for a fire extinguisher that has a 2A rating. The water shall be protected from freezing.

(5) A 1/2 inch or larger interior diameter garden hose which is not more than 100 feet in length and which is equipped with a nozzle may be substituted for a 2A fire extinguisher if it is capable of reaching all points in the area that would be covered by the replaced extinguisher and is capable of discharging not less than 5 gallons per minute with a horizontal hose stream of not less than 30 feet. The hose line shall be mounted on a rack or reel. Not more than 1/2 of the total number of required fire extinguishers may be replaced by the hose.

(6) In addition to the general requirements of this rule, fire extinguishers shall be supplied as follows:

(a) Not less than 1 portable fire extinguisher that has a rating of not less than 20 BC units shall be located as follows:

(i) Outside of, but not more than 10 feet from, a door opening to a room used for the storage of flammable or combustible liquids.

(ii) Not less than 25 feet, nor more than 75 feet, from an outside storage area.

(iii) On each tank truck or other vehicle used to transport or dispense flammable or combustible liquids.

(b) Each service or fueling area shall have at least 1 portable fire extinguisher which has not less than a 20 BC unit rating and which is located within 75 feet of each pump, dispenser, underground fill opening, and lubricating or service area.

(c) Storage locations for liquefied petroleum gas (L.P.G.) shall be provided with at least 1 approved portable fire extinguisher that has a rating of not less than 20 BC.

(d) Each site of a hazardous process shall be provided with a portable fire extinguisher of an appropriate size and type. Other means for safety or control may be provided if approved or required by the process.

(7) Table 1 may be used in selecting and providing an extinguisher.

(8) Table 1 reads as follows:

TABLE 1

HAZARD	DESCRIPTION	EXTINGUISHER TYPE AND CONTENTS
Class "A" fire	Combustible Material	loaded stream, multipurpose dry chemical, pressure-operated water, water pump tanks, water mist, Halon 1211.
Class "B" fire	Flammable liquids, gas, or grease	Carbon dioxide, dry chemical, foam, loaded stream, multipurpose dry chemical, Halon 1211.
Class "C" fire	Electrical equipment	Carbon dioxide with plastic horn only, dry chemical, multipurpose dry chemical, water mist, Halon 1211.
Class "D" fire	Combustible metal	Extinguishing agent listed for use on a specific combustible metal hazard.

R 408.41852 Portable fire extinguishing equipment; inspection, testing, and maintenance.

Rule 1852. (1) An extinguisher shall be inspected monthly, or at more frequent intervals when circumstances require. Inspections shall check for all of the following:

(a) That the extinguisher is in its designated place.

- (b) That the extinguisher has not been actuated or tampered with.
- (c) That the extinguisher does not have obvious damage, physical damage, external corrosion, or other impairment.
- (2) An extinguisher that shows defects which could possibly affect its operation shall be removed from service and given a complete check. An employer shall attach a tag to an extinguisher or keep a record documenting extinguisher maintenance or discharge dates and the initials or signature of the person who performed the service. Records shall be readable, kept on file or in an electronic system (for example, bar coding), and shall be available for inspection by a representative of the department of consumer and industry services. An employer shall keep a record of extinguisher maintenance or recharge dates and the initials or signature of the person who performed the service.
- (3) An extinguisher shall receive a thorough inspection at least once a year to ensure operability. An extinguisher that requires recharging or weighing shall be maintained at least annually.
- (4) An extinguisher that shows evidence of corrosion or mechanical damage shall be subjected to an approved hydrostatic test as prescribed in subrule (6) of this rule or shall be replaced.
- (5) An extinguisher shall be given an approved hydrostatic test every 5 years, except for the following extinguishers, which shall be tested every 12 year:
 - (a) A dry chemical extinguisher that has a brazed-brass, aluminum, or mild steel shell.
 - (b) An extinguisher that used bromotrifluoromethane.
 - (c) A dry powder extinguisher that is for metal fires.
- The hydrostatic test date shall be recorded on a suitable metallized decal or on an equally durable material which has been affixed by a heatless process to the shell of the extinguisher and which shows the date of the test, the test pressure, and the name of the person or agency making the test. An extinguisher tested after the effective date of this part shall have a label that will not retain its original condition when removal from an extinguisher is attempted. An extinguisher manufactured under the department of transportation specifications adopted by reference in subrule (7) of this rule may have the inspection date and serviceman's or firm's name, initials, or symbol stamped into the cylinder.
- (6) A nitrogen cylinder or other cylinder for inert gas, such as found on a wheeled extinguisher, shall be hydrostatically tested at not more than 5-year intervals.
- (7) An extinguisher, cylinder, or cartridge which is used for the storage of a compressed gas and which is manufactured as prescribed in department of transportation specifications shall by hydrostatically tested in accordance with the provisions of C.F.R. 49 Parts 186-199, which are adopted by reference in R 408.41802.
- (8) The hose and couplings on an extinguisher equipped with a shutoff nozzle at the outlet end of the hose shall have a hydrostatic test without the nozzle at the test intervals prescribed for the unit on which the hose is installed.
- (9) A dry chemical and dry powder hose assembly that requires a hydrostatic test shall be at a test pressure of 300 pounds per square inch for 1 minute.
- (10) An extinguisher subjected to an original factory test pressure of 350 pounds per square inch or more shall be tested at 75% of the factory test pressure, but not less than 300 pounds per square inch. See table 2.
- (11) An extinguisher shall be suitable for use within a temperature range from plus 40 degrees to plus 120 degrees Fahrenheit. An extinguisher installed at a location subject to temperature extremes shall be of a type listed for the temperature to which it will be exposed or shall be placed in an enclosure capable of maintaining the temperature.

(12) Table 2 reads as follows:

TABLE 2

HYDROSTATIC TEST PRESSURE REQUIREMENTS -NON-ICC SHELLS SHELLS NOT SPECIFIED IN UNITED STATES DEPARTMENT OF TRANSPORTATION REGULATIONS (formerly Interstate Commerce Commission)		
EXTINGUISHER TYPE	ORIGINAL FACTORY TEST PRESSURE	REQUIRES HYDROSTATIC TEST PRESSURE
All dry chemical and dry powder	400 psi or greater	75% of factory test pressure
	350-399 psi below 350 psi	300 psi 75% of factory test pressure
Foam - 500 psi factory test	500	375
Foam - 350 psi factory test	350	300
Stored-pressure or cartridge- operated water-type, including antifreeze And loaded stream	400 psi or greater	75% of factory test pressure
	350-399 psi below 350	300 psi 75% of factory test pressure

R 408.41853 Fixed fire equipment.

Rule 1853. (1) If the structure being constructed includes the installation of an automatic sprinkler or standpipe and hose system, then the installation shall be made during the construction of each story or section and shall be placed in service for each story or section that is completed. The standpipes shall be provided with Siamese fire department connections which shall be on the outside of the structure, at street level, conspicuously marked, and free from obstruction.

(2) During demolition or alterations, an existing sprinkler or standpipe system shall be maintained in service in any portion of a structure that is not subject to demolition or alteration. The operation of a sprinkler control valve shall be permitted only by a properly authorized person. Modification of a sprinkler system to permit alterations or additional demolition shall be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at the close of work to ascertain whether the protection is in service. When the sprinkler or standpipe system is out of service for other than routine maintenance, the local fire department and the building manager or designated representative shall be notified. A sign shall be posted on each fire department connection that is out of service and the balance of the service shall be tested and resealed in operable condition, where required, and both the fire department and the building manager or designated representative shall be advised that the system is again in service.

(3) A standpipe and hose system shall have not less than 1 outlet per story.

(4) An automatic sprinkler system shall be installed and maintained as prescribed in The National Fire Protection Association Standards NFPA 13 "Installation of Sprinkler Systems," 1991 edition; NFPA 14

“Standard For The Installation Of Standpipe, Private Hydrants And Hose Systems,” 2000 edition; and NFPA 25 “Inspection, Testing, And Maintenance Of Water-Based Fire Protection Systems,” 1998 edition. The standards are adopted by reference in R 408.41802.

R 408.41861 Ignition hazards.

Rule 1861. (1) Internal combustion engine powered equipment shall be so located that the exhaust piping is at a distance away from flammable and combustible materials to prevent ignition. When the exhaust is piped to outside the building under construction, a clearance of not less than 6 inches shall be maintained between the piping and flammable and combustible material.

(2) Smoking shall be prohibited within 25 feet of flammable material. The area shall be posted with a sign “No Smoking or Open Flame.” The sign shall be as prescribed in the construction safety standard, Part 22 >Signals, Signs, Tags and Barricades, being R 408.42201 et seq., which is referenced in R 408.41802.

(3) Electrical wiring equipment and portable battery-powered lighting equipment used in connection with the storage, handling, or use of flammable material shall be of the type approved for the hazardous location.

(4) The nozzle of an air, inert gas, and steam line or hose, when used in the cleaning or ventilation of tanks and vessels that contain flammable gases or vapors, shall be bonded to the tank or vessel shell.

(5) When a hazardous concentration of flammable gas or vapor exists in the area outside of the tank or vessel, the external bonding connection shall be made to the tank or vessel with the non-sparking device. The final bonding connection shall be made outside the hazardous concentration.

R 408.41863 Flammable and combustible liquids; inside storage.

Rule 1863. (1) Not more than 25 gallons of flammable or combustible liquid shall be stored within a room outside of an approved wood or metal cabinet.

(2) Not more than 60 gallons of flammable liquids or 120 gallons of combustible liquids shall be stored in any 1 storage cabinet. Not more than 3 such cabinets shall be located in a single storage area. Quantities more than 60 gallons of flammable liquids or 12 gallons of combustible liquids shall be stored in an inside storage room as prescribed in R 408.41864.

(3) A wood cabinet, when used to store flammable or combustible liquids, shall have the bottom, back, sides, and top constructed of not less than 1-inch exterior plywood which shall not break down or delaminate under fire test conditions. All joints shall be rabbeted and secured in 2 directions by flathead wood screws. When more than 1 door is provided, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted so that the holding capacity is not lost due to loosening or burnout of the screws. The cabinet shall be painted inside and out with a fire-retardant paint.

(4) A cabinet used to store flammable and combustible liquids shall be labeled with conspicuous lettering, “Flammable---Keep Fire Away,” as prescribed in the construction safety standard, Part 22 “Signals, Signs, Tags and Barricades,” being R 408.42201 et seq. which is referenced in R 408.41802.

(5) A flammable or combustible liquid shall not be stored in a building in an area used as a means of egress.

R 408.41864 Inside storage room.

Rule 1864. (1) An inside storage room shall be constructed to meet the required fire resistance rating for its use. The construction shall meet the test specifications in The National Fire Protection Association Standard NFPA 251 “Standard Methods of Fire Testing of Building Construction and Materials,” 1990 edition, which is adopted by reference in R 408.41802.

(2) Either an opening from an inside storage room to another room or building shall be provided with noncombustible liquid-tight raised sill or ramp not less than 6 inches in height or else the floor in the storage area

shall be not less than 6 inches below the surrounding floor. The opening shall be provided with an approved self-closing fire door that is labeled with the words “Flammable ---- Keep Fire Away” in conspicuous lettering as prescribed in the construction safety standard, Part 22 “Signals, Signs, Tags, and Barricades,” being R 408.42201 et seq. which is referenced in R 408.41802.

(3) If wood shelving, racks, dunnage, or floor overlay is used in the room, it shall be not less than 1 inch nominal thickness.

(4) If another portion of the building or another building is exposed and a window covers an opening, the window shall be of a type approved for the hazard exposure.

(5) A material that will react with water to create a fire hazard shall not be stored in the same room with a flammable or combustible liquid.

(6) Quantities of flammable and combustible liquids stored in an inside storage room shall be limited in accordance with the criteria prescribed in table 3.

(7) Every inside storage room shall be provided with a mechanical ventilating system and meet all of the following provisions:

(a) A switch located outside of the door of the inside storage room shall control the mechanical exhausting system and any lighting fixtures.

(b) An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room.

(c) The ventilation system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room not less than 6 times per hour when flammable and combustible liquids are stored in the room.

(d) The exhausting outlet from the room shall be on the exterior of the building in which the room is located and away from any source of ignition.

(8) An inside storage room shall have at least 1 aisle which shall be not less than 3 feet in width and which shall be maintained free of obstructions.

(9) Containers that have more than a 30-gallon capacity shall not be stacked one upon another.

(10) Table 3 reads as follows:

TABLE 3

INSIDE STORAGE ROOM			
Fixed fire protection provided	Fire Resistance rating of room	Maximum size of storage area	Total allowable quantities Gallons/square foot/floor area
Yes	2 hours	500 square feet	10
No	2 hours	500 square feet	4
Yes	1 hour	150 square feet	5
No	1 hour	150 square feet	2

R 408.41866 Emergency venting of outside portable tanks.

Rule 1866. A portable tank that has a capacity of 660 gallons or less of flammable or combustible liquid shall be in compliance with the provisions of chapters III, IV, and V of The National Fire Protection Association Standard NFPA 30, “Flammable and Combustible Liquids Code,” 1996 edition, which is adopted by reference in R 408.41802. A portable tank and its piping system that has a capacity of more than 660 gallons of

flammable or combustible liquid shall be designed, constructed, and tested as prescribed in chapters II and III of The National Fire Protection Association Standard NFPA 30, “Flammable and Combustible Liquids Code,” 1996 edition, which is adopted by reference in R 408.41802.

R 408.41868 Flammable and combustible liquids; handling at point of use.

Rule 1868. (1) Not more than 1 day's supply, but not to exceed 25 gallons, of flammable or combustible liquid shall be permitted to stand outside a cabinet at a place of usage.

(2) A flammable or combustible liquid shall not be used where there is an open flame or source of ignition within 50 feet of the liquid.

(3) Leakage or spillage of a flammable or combustible liquid shall be disposed of without creating another hazard.

(4) An open container containing a flammable liquid shall be equipped with a cover that has a fused link which will automatically close if the liquid is ignited.

(5) Natural or mechanical ventilation capable of maintaining the vapor below 10% of the lower explosive limit shall be provided and used when a flammable liquid is used or handled.

(6) Flammable liquids shall be kept in closed containers when not in use.

R 408.41869 Flammable and combustible liquids; service and refueling areas.

Rule 1869. (1) A tank truck shall be designed, constructed, and maintained as prescribed in The National Fire Protection Association Standard NFPA 385 “Standard For Tank Vehicles For Flammable And Combustible Liquids,” 1990 edition, which is adopted by reference in R 408.41802.

(2) An emergency switch that is clearly identified and accessible shall be available to shut off all power to all dispensing devices in an emergency and shall be in a location that is remote from the dispensing device.

(3) Sources of ignition, such as smoking, open flame, cutting and welding, frictional heat, sparks, and heating equipment, shall not be permitted within 25 feet in any direction of where an internal combustion engine is fueled or where a flammable or combustible liquid is dispensed. A warning sign shall be posted as prescribed in construction safety standard Part 22 >Signals, Signs, Tags, and Barricades, being R 408.42201 et seq. which is referenced in R 408.41802. The motor of any equipment being fueled shall be shut off during the fueling operation.

R 408.41871 Liquefied petroleum gas.

Rule 1871. (1) The storage and handling of L.P.G. shall be as prescribed in The National Fire Protection Association Standards, NFPA 58 “Storage and Handling of Liquefied Petroleum Gases,” 1992 edition; NFPA 52 “The Compressed Natural Gas Vehicular Fuel Systems,” 1992 edition; and NFPA 59A “Production, Storage and Handling of Liquefied Natural Gas,” 1990 edition. The standards are adopted by reference in R 408.41802.

(2) An employer shall also contact the Michigan department of environmental quality, storage tank division, for additional rules concerning the installation, use, and storage of liquefied petroleum gases. The storage tank division can be reached at The Town Center, 333 South Capital, Lansing, Michigan, 48909-7657 or via website: www.michigan.gov/deq

R 408.41875 L.P. containers and equipment.

Rule 1875. (1) Containers in use shall be in compliance with all of the following provisions:

(a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

- (b) Containers of more than 2 1/2 pounds water capacity shall be equipped with a shutoff valve and excess flow valve.
- (c) Valves on containers shall be protected against physical damage.
- (d) Containers that have a water capacity of more than 2 1/2 pounds shall stand on a firm and substantially level surface. If necessary, the containers shall be secured in an upright position.
- (e) Regulators, if used, shall be suitable for use with L.P. gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for not less than 250 psig service pressure.
- (f) Piping, fittings, and hose shall be in compliance with R 408.41872.
- (g) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.
- (h) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.
- (i) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds L.P. gas capacity).
- (j) All of the following provisions apply to multiple container systems:
 - (i) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision shall not be construed as requiring an automatic changeover device.
 - (ii) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.
 - (iii) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.
- (2) Containers may be used in unoccupied portions of a building during the hours of the day that the public normally is in the building in accordance with all of the following provisions:
 - (a) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds L.P. gas capacity) and the number of containers in the building shall not exceed the number of workmen assigned to using L.P. gas.
 - (b) Containers that have a water capacity of more than 2 1/2 pounds (nominal 1 pound L.P. gas capacity) shall not be left unattended.
 - (c) During the hours of the day when the building is not open to the public, containers may be used as prescribed in subrule (1) of this rule; however, containers that have a water capacity of more than 2 1/2 pounds shall not be left unattended.

R 408.41876 Piping liquid or vapor L.P. gas into buildings and structures.

Rule 1876. The piping of liquid or vapor L.P. gas into buildings that are under construction or major renovation shall be in compliance with all of the following provisions:

- (a) Piping used at pressures higher than container pressure shall be suitable for a working pressure of not less than 350 psig.
- (b) Liquid piped at container pressure or lower shall be suitable for a working pressure of not less than 250 psig.
- (c) Vapor L.P. gas that has an operating pressure of more than 125 psig shall be suitable for a working pressure of not less than 250 psig.

- (d) Vapor piped at a pressure of not more than 125 psig shall be suitable for a working pressure of not less than 125 psig.
- (e) Metallic pipe joints may be threaded, flanged, welded, or brazed.
- (f) Joints shall be made with a material that has a melting point of 1,000 degrees Fahrenheit.
- (g) When joints are threaded or threaded and back welded for vapors of liquid at pressures of more than 125 psig, schedule 80 or heavier pipe shall be used; however, at pressures of less than 125 psig, schedule 40 or heavier pipe may be used.
- (h) Piping, if welded, shall be made with a suitable type of welding fittings and shall be at least schedule 40 pipe.
- (i) Piping shall not be more than 3/4-inch pipe interior diameter. Type K or L copper tubing which is in compliance with section 232 of The National Fire Protection Association Standard NFPA 58, "Storage And Handling Of Liquefied Petroleum Gases," 1992 edition, which is adopted by reference in R 408.41802, and which has a maximum 3/4-inch pipe outside diameter may be used.
- (j) Piping shall be securely fastened to walls or other surfaces, protected against physical damage, and located to avoid high temperatures.
- (k) A shutoff valve shall be located at each branch line where it leaves the main line. A second shutoff valve shall be located at the appliance end of the branch and upstream of any flexible appliance connector.
- (l) Excess flow valves shall be installed where pipe size is reduced.
- (m) Hydrostatic relief valves shall be installed in liquid lines between shutoff valves.
- (n) All piping and fittings shall be in compliance R 408.41872.

R 408.41877 Storage of portable containers.

Rule 1877. (1) This rule applies to the storage of portable containers whether filled or empty if they have been in service.

(2) Storage of L.P. gas within buildings is prohibited.

(3) Storage outside of buildings, for containers awaiting use, shall be located away from the nearest building or group of buildings as specified in table 4.

(4) Table 4 reads as follows:

TABLE 4

QUANTITY OF L.P. GAS STORED	DISTANCE (FEET) FROM A BUILDING
500 lbs. or less	0
501 to 6,000 lbs.	10
6,001 to 10,000 lbs.	20
over 10,000 lbs.	25

(5) Containers shall be stored within a suitable ventilated enclosure or otherwise protected against tampering, and located as specified in table 4.

(6) When L.P. gas and 1 or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with The Compressed Gas Association Standard CGA C7 "Guide To The Preparation Of Precautionary Labeling And Marking Of Compressed Gas Containers," 2000 edition, which is adopted by reference in R 408.41802.

R 408.41884 Heating devices.

Rule 1884. (1) A temporary heating device shall not produce combustion products that will increase the air contaminants above the maximum allowable limits established by the occupational health division of the Michigan department of consumer and industry services.

(2) A heating device, including a temporary heating device, shall be located at a distance sufficient to prevent ignition of any material in its proximity or the material shall be insulated.

(3) A temporary heating device shall not be located less than 50 feet from a point where a flammable or combustible liquid is used or dispensed.

(4) A temporary heating device that is set on a combustible floor shall be separated from the floor by an insulating material or 1 inch of concrete. The insulating material shall extend not less than 2 feet beyond the heater in all directions.

(5) A temporary heating device shall be located not less than 10 feet from a combustible covering, such as, but not limited to, canvas or tarpaulins, unless the covering is fastened to prevent its dislodgement due to wind action.

(6) A temporary heating device using L.P. gas, other than in an integral heater-container unit, shall be located not less than 6 feet from any L.P. gas container.

(7) Integral heaters may be used if designed and installed so as to prevent direct or radiant heat application to the container.

(8) Blower-and radiant-type units shall not be directed toward any L.P. gas container that is less than 20 feet away.

(9) If 2 or more heater units are located within the same unpartitioned area, then the containers of each unit shall be separated from the containers of any such other unit by not less than 20 feet.

(10) If containers are manifolded together and serve 1 heater on the same floor, then the total water capacity of the containers shall not be more than 735 pounds (nominal 300 pounds L.P. gas capacity). If more than 1 such manifold is used they shall be separated by not less than 20 feet.

(11) On floors on which no heaters are connected for use, containers may be manifolded together if the total water capacity is not more than 2,450 pounds (nominal 1,000 pounds L.P. gas capacity). Manifolds of more than 735 pounds water capacity shall be separated by not less than 50 feet.

(12) Heating devices, including portable heaters and salamanders using a liquid flammable fuel such as, but not limited to, fuel oil or kerosene, shall be equipped with an approved automatic shutoff safety control device which will, in the event of flame failure, shut off the flow of fuel to the main burner and pilot if used. The device shall not be relit while the combustion chamber is hot.

(13) Portable heaters including salamanders that have inputs above 50,000 British thermal unit's (B.T.U.) per hour, shall be equipped with either a pilot, that is lighted and proved before the main burner can be turned on, or an electric ignition system, except the provisions of this rule do not apply to any of the following:

(a) Tar kettles, hand torches, melting pots, or portable heaters of less than 7,500 British thermal unit's (B.T.U.), if used with 2 1/2 pound containers.

(b) Manufactured tent heaters, as utilized by, and in applications common to, public utilities or telecommunication companies, with 12,000 British thermal unit's (B.T.U.) input or less, when used out-of-doors and if constantly attended.

(14) A temporary heating device shall be installed horizontally level.

(15) A solid fuel salamander shall not be used in a building or on a scaffold.

(16) L.P. gas containers valves, connectors, regulators and manifolds, piping, and tubing shall not be used as structural supports for heaters and shall be located to minimize exposure to high temperatures or physical damage.

- (17) A heating device, including a temporary heating device, designed for barometric or gravity oil feed shall be used only with an integral tank.
- (18) Heaters specifically designed and approved for use with separate supply tanks may be connected for gravity feed, or an automatic pump, from a supply tank.
- (19) L.P. containers may be used in buildings for temporary emergency heating as provided in this rule and the equipment shall not be left unattended.

ADMINISTRATIVE RULES

ORR # 2001-070

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on September 10, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 19 and 21 of 1974 PA 154 and Executive Reorganization Order no. 1996-2, MCL 408.1019, 408.1021, and 445.2001)

R 408.42601, R 408.42606, R 408.42609, R 408.42610, R 408.42614, R 408.42618, and R 408.42640 of the Michigan Administrative Code are amended, R 408.42602, R 408.42604, R 408.42605, R 408.42608, R 408.42616, R 408.42620, R 408.42622, R 408.42626, R 408.42628, R 408.42629, R 408.42634, R 408.42636, R 408.42638, R 408.42643, R 408.42644, R 408.42645, R 408.42646, R 408.42648, R 408.42651, R 408.42653, and R 408.42655 are added to the Code, and R 408.42615, R 408.42617, R 408.42621, R 408.42623, R 408.42630, R 408.42632, R 408.42642, R 408.42650, R 408.42654, and R 408.42656 of the Code are rescinded as follows:

PART 26. STEEL ERECTION

R 408.42601 Scope.

Rule 2601. (1) This part sets forth requirements to protect employees from the hazards associated with steel erection activities involved in the construction, alteration, or repair of single and multistory buildings, bridges, and other structures where steel erection occurs. The requirements of this part apply to employers engaged in steel erection unless otherwise specified. This part does not apply to electrical transmission towers, communication and broadcast towers, or tanks. Examples of structures where steel erection may occur, include, but are not limited to, the following:

- (a) Single and multistory buildings.
- (b) Systems-engineered metal buildings.
- (c) Lift slab/tilt-up structures.
- (d) Energy exploration structures.
- (e) Energy production, transfer and storage structures, and facilities.
- (f) Auditoriums.
- (g) Malls.
- (h) Amphitheaters.
- (i) Stadiums.

- (j) Power plants.
- (k) Mills.
- (l) Chemical process structures.
- (m) Bridges.
- (n) Trestles.
- (o) Overpasses.
- (p) Underpasses.
- (q) Viaducts.
- (r) Aqueducts.
- (s) Aerospace facilities and structures.
- (t) Radar and communication structures.
- (u) Light towers.
- (v) Signage.
- (w) Billboards.
- (x) Scoreboards.
- (y) Conveyor systems.
- (z) Conveyor supports and related framing.
- (aa) Stairways.
- (bb) Stair towers.
- (cc) Fire escapes.
- (dd) Draft curtains.
- (ee) Fire containment structures.
- (ff) Monorails.
- (gg) Aerialways.
- (hh) Catwalks.
- (ii) Curtain walls.
- (jj) Window walls.
- (kk) Store fronts.
- (ll) Elevator fronts.
- (mm) Entrances.
- (nn) Skylights.
- (oo) Metal roofs.
- (pp) Industrial structures.
- (qq) Hi-bay structures.
- (rr) Rail marine, and other transportation structures.
- (ss) Sound barriers.
- (tt) Water process and water containment structures.
- (uu) Air and cable-supported structures.
- (vv) Space frames.
- (ww) Geodesic domes.
- (xx) Canopies.
- (yy) Racks and rack support structures and frames.
- (zz) Platforms.
- (aaa) Walkways.
- (bbb) Balconies.

- (ccc) Atriums.
- (ddd) Penthouses.
- (eee) Car dumpers.
- (fff) Stackers/reclaimers.
- (ggg) Cranes and craneways.
- (hhh) Bins.
- (iii) Hoppers.
- (jjj) Ovens.
- (kkk) Furnaces.
- (lll) Stacks.
- (mmm) Amusement park structures and rides.
- (nnn) Artistic and monumental structures.
- (2) Steel erection activities include all of the following:
 - (a) Hoisting, laying out, placing, connecting, welding, burning, guying, bracing, bolting, plumbing, and rigging structural steel, steel joists, and metal buildings.
 - (b) Installing metal decking, curtain walls, window walls, siding systems, miscellaneous metals, ornamental iron, and similar materials.
 - (c) Moving point-to-point while performing the activities specified in this subrule.
- (3) All of the following activities are covered by this part when they occur during and are a part of steel erection activities:
 - (a) Rigging.
 - (b) Hoisting.
 - (c) Laying out.
 - (d) Placing.
 - (e) Connecting.
 - (f) Guying.
 - (g) Bracing.
 - (h) Dismantling.
 - (i) Burning.
 - (j) Welding.
 - (k) Bolting.
 - (l) Grinding.
 - (m) Sealing.
 - (n) Caulking.
 - (o) All related activities for construction, alteration or repair of materials and assemblies such as any of the following:
 - (i) Structural steel.
 - (ii) Ferrous metals and alloys.
 - (iii) Nonferrous metals and alloys.
 - (iv) Glass.
 - (v) Plastics and synthetic composite materials.
 - (vi) Structural metal framing and related bracing and assemblies.
 - (vii) Anchoring devices.
 - (viii) Structural cabling.
 - (ix) Cable stays.

- (x) Permanent and temporary bents and towers.
- (xi) Falsework for temporary supports of permanent steel members.
- (xii) Stone and other non-precast concrete architectural materials mounted on steel frames.
- (xiii) Safety systems for steel erection.
- (xiv) Steel and metal joists.
- (xv) Metal decking and raceway systems and accessories.
- (xvi) Metal roofing and accessories.
- (xvii) Metal siding.
- (xviii) Bridge flooring.
- (xix) Cold formed steel framing.
- (xx) Elevator beams.
- (xxi) Grillage.
- (xxii) Shelf racks.
- (xxiii) Multipurpose supports.
- (xxiv) Crane rails and accessories.
- (xxv) Miscellaneous, architectural, and ornamental metals and metal work.
- (xxvi) Ladders.
- (xxvii) Railings.
- (xxviii) Handrails.
- (xxix) Fences and gates.
- (xxx) Gratings.
- (xxxi) Trench covers.
- (xxxii) Floor plates.
- (xxxiii) Castings.
- (xxxiv) Sheet metal fabrications.
- (xxxv) Metal panels and panel wall systems.
- (xxxvi) Louvers.
- (xxxvii) Column covers.
- (xxxviii) Enclosures and pockets.
- (xxxix) Stairs.
- (xl) Perforated metals.
- (xli) Ornamental iron work.
- (xlii) Expansion control, including bridge expansion joint assemblies.
- (xliii) Slide bearings.
- (xliv) Hydraulic structures.
- (xlv) Fascias.
- (xlvi) Soffit panels.
- (xlvii) Penthouse enclosures.
- (xlviii) Skylights.
- (xlix) Joint fillers.
- (l) Gaskets.
- (li) Sealants and seals.
- (lii) Doors.
- (liii) Windows.
- (liv) Hardware.

- (lv) Detention/security equipment and doors, windows, and hardware.
 - (lvi) Conveying systems.
 - (lvii) Building specialties.
 - (lviii) Building equipment.
 - (lix) Machinery and plant equipment, furnishings, and special construction.
- (4) The duties of controlling contractors under this part include, but are not limited to, the duties specified in R 408.42608(1) and (3), R 408.42626(6), R 408.42644(2), and R 408.42651(4).

R 408.42602 Reference of standards.

Rule 2602. (1) The following occupational safety and health administrative standards and appendices are referenced in this standard and are available at the offices of the Michigan Department of Consumer and Industry Services, MIOSHA Standards Division, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909-8143, or via the internet at web-site: www.cis.state.mi.us/bsr/divisions/std, at no cost as of the time of adoption of these rules:

- (a) Construction Safety Standard Part 10. “Lifting and Digging Equipment,” being R 408.41001a et seq. of the Michigan administrative code.
- (b) Construction Safety Standard Part 45. “Fall Protection,” being R 408.44501 et seq. of the Michigan administrative code.

R 408.42604 Definitions; A to C.

Rule 2604. (1) “Anchored bridging” means that the steel joist bridging is connected to a bridging terminus point.

(2) “Bolted diagonal bridging” means diagonal bridging that is bolted to a steel joist or joists.

(3) “Bridging clip” means a device that is attached to the steel joist to allow the bolting of the bridging to the steel joist.

(4) “Bridging terminus point” means a wall, a beam, tandem joists, with all bridging installed and a horizontal truss in the plane of the top chord, or other element at an end or intermediate point or points of a line of bridging that provides an anchor point for the steel joist bridging.

(5) “Choker” means a wire rope or synthetic fiber rigging assembly that is used to attach a load to a hoisting device.

(6) “Cold forming” means the process of using press brakes, rolls, or other methods to shape steel into desired cross sections at room temperature.

(7) “Column” means a load-carrying vertical member that is part of the primary skeletal framing system. Columns do not include posts.

(8) “Competent person” means a person who is experienced and capable of identifying an existing or potential hazard in surroundings, or under working conditions, that are hazardous or dangerous to an employee and who has the authority and knowledge to take prompt corrective measures to eliminate the hazards.

(9) “Connector” means an employee who, working with hoisting equipment, is placing and connecting structural members or components.

(10) “Constructibility” means the ability to erect structural steel members in accordance with these rules without having to alter the overall structural design.

(11) “Construction load, for joist erection,” means any load other than the weight of the employee or employees, the joists, and the bridging bundle.

(12) “Controlled decking zone (CDZ)” means an area in which certain work, for example, initial installation and placement of metal decking, may take place without the use of guardrail systems, personal fall arrest systems, fall restraint systems, or safety net systems and in which access to the zone is controlled.

(13) “Controlled load lowering” means lowering a load by means of a mechanical hoist drum device that allows a hoisted load to be lowered with maximum control using the gear train or hydraulic components of the hoist mechanism. Controlled load lowering requires the use of the hoist drive motor, rather than the load hoist brake, to lower the load.

(14) “Controlling contractor” means a prime contractor, general contractor, construction manager, or any other legal entity that has the overall responsibility for the construction of the project—its planning, quality, and completion.

(15) “Critical lift” means a lift that exceeds 75% of the rated capacity of the crane or derrick or that requires the use of more than 1 crane or derrick.

R 408.42605 Definitions; D to M.

Rule 2605. (1) “Decking hole” means a gap or void more than 2 inches (5.1 cm) in its least dimension and less than 12 inches (30.5 cm) in its greatest dimension in a floor, roof, or other walking/working surface.

Pre-engineered holes in cellular decking for wires, cables, and the like are not included in this definition.

(2) “Derrick floor” means an elevated floor of a building or structure that has been designated to receive hoisted pieces of steel before final placement.

(3) “Double connection” means an attachment method where the connection point is intended for 2 pieces of steel that share common bolts on either side of a central piece.

(4) “Double connection seat” means a structural attachment that, during the installation of a double connection, supports the first member while the second member is connected.

(5) “Erection bridging” means the bolted diagonal bridging that is required to be installed before releasing the hoisting cables from the steel joists.

(6) “Fall restraint system” means a fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt or body harness, together with an anchorage, connectors, and other necessary equipment. The other components typically include a lanyard, and may also include a lifeline and other devices.

(7) “Final interior perimeter” means the perimeter of a large permanent open space within a building such as an atrium or courtyard. This does not include openings for stairways, elevator shafts, and the like.

(8) “Girt, in systems-engineered metal buildings” means a “Z” or “C” shaped member formed from sheet steel spanning between primary framing and supporting wall material.

(9) “Headache ball” means a weighted hook that is used to attach loads to the hoist load line of the crane.

(10) “Hoisting equipment” means commercially manufactured lifting equipment designed to lift and position a load of known weight to a location at some known elevation and horizontal distance from the equipment's center of rotation. “Hoisting equipment” includes, but is not limited to all of the following:

Cranes.

Derricks.

Tower cranes.

Barge-mounted derricks or cranes.

Gin poles.

Gantry hoist systems.

A “come-a-long,” that is, a mechanical device, usually consisting of a chain or cable attached at each end, that is used to facilitate movement of materials through leverage is not considered “hoisting equipment.”

(11) “Leading edge” means the unprotected side and edge of a floor, roof, or formwork for a floor or other walking/working surface, such as a deck, which changes location as additional floor, roof, decking, or formwork sections are placed, formed, or constructed.

(12) “Metal decking” means a commercially manufactured, structural grade, cold-rolled metal panel formed into a series of parallel ribs. As used in this part, the term includes metal floor and roof decks, standing seam metal roofs, other metal roof systems, and other products, such as bar gratings, checker plate, expanded metal panels, and similar products. After installation and proper fastening, these decking materials serve a combination of functions, including, but not limited to any of the following:

- (a) A structural element designed in combination with the structure to resist, distribute, and transfer loads, stiffen the structure, and provide a diaphragm action.
- (b) A walking/working surface.
- (c) A form for concrete slabs.
- (d) A support for roofing systems.
- (e) A finished floor or roof.

(13) “Multiple lift rigging” means a rigging assembly manufactured by wire rope rigging suppliers that facilitates the attachment of up to 5 independent loads to the hoist rigging of a crane.

R 408.42606 Definitions; O to U.

Rule 2606. (1) “Opening” means a gap or void 12 inches (30.5 cm) or more in its least dimension in a floor, roof, or other walking/working surface. For the purposes of this part, skylights and smoke domes that do not meet the strength requirements of R 408.42622(4), (5), (6), and (7) shall be regarded as openings.

(2) “Permanent floor” means a structurally completed floor at any level or elevation, including slab on grade.

(3) “Personal fall arrest system” means a system used to arrest an employee in a fall from a working level. A personal fall arrest system consists of an anchorage, connectors, a body harness, and may include a lanyard, deceleration device, lifeline, or suitable combination of these. The use of a body belt for fall arrest is prohibited.

(4) “Plumbing up” means securing to obtain vertical alignment.

(5) “Positioning device system” means a body belt or body harness rigged to allow an employee to be supported on an elevated, vertical surface, such as a wall or column, and work with both hands free while leaning.

(6) “Post” means a structural member which has a longitudinal axis that is essentially vertical, and which either weighs 300 pounds or less and is axially loaded (a load presses down on the top end) or is not axially loaded, but is laterally restrained by the above member. Posts typically support stair landings, wall framing, mezzanines, and other substructures.

(7) “Project structural engineer of record” means the registered, licensed professional who is responsible for the design of structural steel framing and whose seal appears on the structural contract documents.

(8) “Purlin, in systems-engineered metal buildings,” means a “Z” or “C” shaped member formed from sheet steel spanning between primary framing and supporting roof material.

(9) “Qualified person” means an individual who, by possession of a recognized degree, certificate, or professional standing or by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

(10) “Safety deck attachment” means an initial attachment that is used to secure an initially placed sheet of decking to keep proper alignment and bearing with structural support members.

(11) “Shear connector” means headed steel studs, steel bars, steel lugs, and similar devices that are attached to a structural member for the purpose of achieving composite action with concrete.

(12) “Steel erection” means the construction, alteration, or repair of steel buildings, bridges, and other structures, including the installation of metal decking and all planking used during the process of erection.

(13) “Steel joist” means an open web, secondary load-carrying member which is 144 feet (43.9 m) or less, which is designed by the manufacturer, and which is used for the support of floors and roofs. This does not include structural steel trusses or cold-formed joists.

(14) “Steel joist girder” means an open web, primary load-carrying member which is designed by the manufacturer and which is used for the support of floors and roofs. The term does not include structural steel trusses.

(15) “Steel truss” means an open web member designed of structural steel components by the project structural engineer of record. For the purposes of this part, a steel truss is considered equivalent to a solid web structural member.

(16) “Structural steel” means a steel member or a member made of a substitute material, such as, but not limited to, fiberglass, aluminum, or composite members. These members include, but are not limited to all of the following that are integrated with the structural steel framing of a building:

Steel joists.

Joist girders.

Purlins.

Columns.

Beams.

Trusses.

Splices.

Seats.

Metal decking.

Girts.

Bridging.

Cold-formed metal framing.

(17) “Systems-engineered metal building” means a metal, field-assembled building system consisting of framing, roof, and wall coverings. Typically, many of these components are cold-formed shapes. These individual parts are fabricated in 1 or more manufacturing facilities and shipped to the jobsite for assembly into the final structure. The engineering design of the system is normally the responsibility of the systems-engineered metal building manufacturer.

(18) “Tank” means a container for holding gases, liquids, or solids.

(19) “Unprotected sides and edges” means any side or edge, except at entrances to points of access, of a walking/working surface, for example, a floor, roof, ramp, or runway, where there is no wall or guardrail system not less than 39 inches (1.0 m) high.

R 408.42608 Site layout, erection plan and construction sequence.

Rule 2608. (1) Before authorizing the commencement of steel erection, the controlling contractor shall ensure that the steel erector is provided with the following written notifications:

(a) The concrete in the footings, piers, and walls and the mortar in the masonry piers and walls has attained, on the basis of an appropriate ASTM standard test method of field-cured samples, either 75% of the intended minimum compressive design strength or sufficient strength to support the loads imposed during steel erection.

(b) Any repairs, replacements, and modifications to the anchor bolts were conducted in accordance with R 408.42626(6).

(2) A steel erection contractor shall not erect steel unless it has received written notification that the concrete in the footings, piers, and walls or the mortar in the masonry piers and walls has attained, on the basis of an

appropriate ASTM standard test method of field-cured samples, either 75% of the intended minimum compressive design strength or sufficient strength to support the loads imposed during steel erection.

(3) The controlling contractor shall ensure that both of the following are provided and maintained:

(a) Adequate access roads into and through the site for the safe delivery and movement of derricks, cranes, trucks, other necessary equipment, and the material to be erected and means and methods for pedestrian and vehicular control. However, this requirement does not apply to roads outside of the construction site.

(b) A firm, properly graded, drained area which is readily accessible to the work and which has adequate space for the safe storage of materials and the safe operation of the erector's equipment.

(4) All hoisting operations in steel erection shall be preplanned to ensure that the requirements of R 408.42609(4) and (5) are met.

(5) If an employer elects, due to conditions specific to the site, to develop alternate means and methods that provide employee protection in accordance with R 408.42609(3), R 408.42634(4), or R 408.42638(4), then a site-specific erection plan shall be developed by a qualified person and be available at the work site. Guidelines for establishing a site-specific erection plan are contained in appendix A, as referenced in R 408.42602(1).

R 408.42609 Hoisting and rigging.

Rule 2609. (1) All the provisions of construction safety standard Part 10. "Lifting and Digging Equipment," being R 408.41001a et seq., which are referenced in R 408.42602, apply to hoisting and rigging.

(2) Where the work area is inaccessible or hazardous to reach by other means, a maximum of 2 connectors may ride the headache ball to and from the workstation with the knowledge and consent of the employer or the employer's designated representative. When a connector or connectors are allowed to ride the headache ball, a load shall not be attached to the load line.

(3) Safety latches on hooks shall not be deactivated or made inoperable, except in either of the following situations:

(a) When a qualified rigger has determined that the hoisting and placing of purlins and single joists can be performed more safely by doing so.

(b) When equivalent protection is provided in a site-specific erection plan.

(4) Routes for suspended loads shall be preplanned to ensure that no employee is required to work directly below a suspended load, except for the following employees:

(a) Employees engaged in the initial connection of the steel.

(b) Employees necessary for the hooking or unhooking of the load.

(5) When working under suspended loads, all of the following criteria shall be met:

(a) Materials being hoisted shall be rigged to prevent unintentional displacement.

(b) Hooks with self-closing safety latches or their equivalent shall be used to prevent components from slipping out of the hook.

(c) All loads shall be rigged by a qualified rigger.

R 408.42610 Multiple lift rigging procedure.

Rule 2610. (1) A multiple lift shall only be performed if all of the following criteria are met:

(a) A multiple lift rigging assembly is used.

(b) A maximum of 5 members are hoisted per lift.

(c) Only beams and similar structural members are lifted.

(d) All employees engaged in the multiple lift have been trained in multiple lift procedures in accordance with R 408.42655(1).

- (e) A crane shall not be used for a multiple lift where such use is contrary to the manufacturer's specifications and limitations.
- (2) Components of the multiple lift rigging assembly shall be specifically designed and assembled with a maximum capacity for total assembly and for each individual attachment point. This capacity, certified by the manufacturer or a qualified rigger, shall be based on the manufacturer's specifications with a 5 to 1 safety factor for all components.
- (3) The total load shall not exceed either of the following:
 - (a) The rated capacity of the hoisting equipment specified in the hoisting equipment load charts.
 - (b) The rigging capacity specified in the rigging rating chart.
- (4) The multiple lift rigging assembly shall be rigged with members attached at their center of gravity and maintained reasonably level, rigged from top down, and rigged not less than 7 feet (2.1 m) apart.
- (5) The members on the multiple lift rigging assembly shall be set from the bottom up.
- (6) Controlled load lowering shall be used whenever the load is over the connectors.

R 408.42614 Structural steel assembly.

Rule 2614. (1) Structural stability shall be maintained at all times during the erection process.

(2) All of the following additional requirements shall apply for multistory structures:

- (a) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than 8 stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.
- (b) There shall not be more than 4 floors or 48 feet (14.6 m), whichever is less, of unfinished bolting or welding above the foundation or uppermost permanently secured floor, except where the structural integrity is maintained as a result of the design.
- (c) A fully planked or decked floor or nets shall be maintained within 2 stories or 30 feet (9.1 m), whichever is less, directly under any erection work being performed.

R 408.42615 Rescinded.

R 408.42616 Walking and working surfaces.

Rule 2616. (1) Shear connectors, such as headed steel studs, steel bars, or steel lugs, reinforcing bars, deformed anchors, or threaded studs shall not be attached to the top flanges of beams, joists, or beam attachments so that they project vertically from or horizontally across the top flange of the member until after the metal decking or other walking/working surface has been installed.

(2) If shear connectors are used in the construction of composite floors, roofs, and bridge decks, then employees shall lay out and install the shear connectors after the metal decking has been installed, using the metal decking as a working platform. Shear connectors shall not be installed from within a controlled decking zone (CDZ), as specified in R 408.42648(1)(g).

(3) Slip resistance of skeletal structural steel. Workers shall not be permitted to walk the top surface of any structural steel member installed after July 18, 2006, that has been coated with paint or similar material, unless documentation or certification that the coating has achieved a minimum average slip resistance of .50 when measured with an English XL tribometer or equivalent tester on a wetted surface at a testing laboratory is provided. Such documentation or certification shall be based on the appropriate ASTM standard test method conducted by a laboratory capable of performing the test. The results shall be available at the site and to the steel erector. (Appendix B, as referenced in R 408.42602[1], references appropriate ASTM standard test methods that may be used to comply with this subrule.)

R 408.42617 Rescinded.

R 408.42618 Plumbing-up.

Rule 2618. (1) Turnbuckles and other apparatus used in plumbing up shall be accessible to the employees for adjustment and dismantling. Connections of the equipment used in plumbing up shall be secured. The turnbuckles shall be secured to prevent unwinding while under stress.

(2) When deemed necessary by a competent person, plumbing-up equipment shall be installed in conjunction with the steel erection process to ensure the stability of the structure.

(3) When used, plumbing-up equipment shall be in place and properly installed before the structure is loaded with construction material such as loads of joists, bundles of decking, or bundles of bridging.

(4) Plumbing-up equipment shall be removed only with the approval of a competent person.

R 408.42620 Metal decking and decking bundles.

Rule 2620. (1) Bundle packaging and strapping shall not be used for hoisting unless specifically designed for that purpose.

(2) If loose items such as dunnage, flashing, or other materials are placed on the top of metal decking bundles to be hoisted, such items shall be secured to the bundles.

(3) Bundles of metal decking on joists shall be landed in accordance with R 408.42638(4).

(4) Metal decking bundles shall be landed on framing members so that enough support is provided to allow the bundles to be unbanded without dislodging the bundles from the supports.

(5) At the end of the shift or when environmental or jobsite conditions require, metal decking shall be secured against displacement.

R 408.42621 Rescinded.

R 408.42622 Roof, holes and openings.

Rule 2622. (1) Framed metal deck openings shall have structural members turned down to allow continuous deck installation, except where not allowed by structural design constraints or constructibility.

(2) Roof and floor holes and openings shall be decked over. If hole or opening size, configuration, or other structural design does not allow openings to be decked over, such as with elevator shafts, stair wells, and the like, then employees shall be protected in accordance with R 408.42645(1).

(3) Metal decking holes and openings shall not be cut until immediately before being permanently filled with the equipment or structure needed or intended to fulfill its specific use and which meets the strength requirements of R 408.42622(4), (5), (6), and (7) or shall be immediately covered.

(4) Covers for roof and floor openings shall be capable of supporting, without failure, twice the weight of the employees, equipment, and materials that may be imposed on the cover at any one time.

(5) All covers shall be secured when installed to prevent accidental displacement by the wind, equipment, or employees.

(6) All covers shall be painted with high-visibility paint or shall be marked with the word “hole” or “cover” to provide warning of the hazard.

(7) Smoke dome or skylight fixtures that have been installed are not considered covers for the purpose of this rule unless they meet the strength requirements of subrule (4) of this rule.

(8) Decking gaps around columns. Wire mesh, exterior plywood, or the equivalent, shall be installed around columns where planks or metal decking do not fit tightly. The materials used shall be of sufficient strength to provide fall protection for personnel and prevent objects from falling through.

R 408.42623 Rescinded.

R 408.42626 Column anchorage, erection stability, repair, replacement, and anchor rods (anchor bolts).

Rule 2626. (1) All columns shall be anchored by a minimum of 4 anchor rods (anchor bolts).

(2) Each column anchor rod (anchor bolt) assembly, including the column-to-base plate weld and the column foundation, shall be designed to resist a minimum eccentric gravity load of 300 pounds (136.2 kg) located 18 inches (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

(3) Columns shall be set on level finished floors, pre-grouted leveling plates, leveling nuts, or shim packs that are adequate to transfer the construction loads.

(4) All columns shall be evaluated by a competent person to determine whether guying or bracing is needed; if guying or bracing is needed, then it shall be installed.

(5) Anchor rods (anchor bolts) shall not be repaired, replaced, or field-modified without the approval of the project structural engineer of record.

(6) Before the erection of a column, the controlling contractor shall provide written notification to the steel erector if there has been any repair, replacement, or modification of the anchor rods (anchor bolts) of that column.

R 408.42628 Beams and columns; diagonal bracing; column splices; perimeter columns.

Rule 2628. (1) During the final placing of solid web structural members, the load shall not be released from the hoisting line until the members are secured with not less than 2 bolts per connection, of the same size and strength as shown in the erection drawings, drawn up wrench-tight or the equivalent as specified by the project structural engineer of record, except as specified in subrule (3) of this rule.

(2) A competent person shall determine if more than 2 bolts are necessary to ensure the stability of cantilevered members; if additional bolts are needed, they shall be installed.

(3) Solid web structural members used as diagonal bracing shall be secured by at least 1 bolt per connection drawn up wrench-tight or the equivalent as specified by the project structural engineer of record.

(4) Each column splice shall be designed to resist a minimum eccentric gravity load of 300 pounds (136.2 kg) located 18 inches (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

(5) Perimeter columns shall not be erected unless both of the following provisions are satisfied:

(a) The perimeter columns extend a minimum of 48 inches (1.2 m) above the finished floor to permit installation of perimeter safety cables before erection of the next tier, except where constructibility does not allow. (See appendix F, as referenced in R 408.42602[1])

(b) The perimeter columns have holes or other devices in or attached to perimeter columns at 42 to 45 inches (107-114 cm) above the finished floor and the midpoint between the finished floor and the top cable to permit installation of perimeter safety cables required by R 408.42645(2), except where constructibility does not allow. (See appendix F, as referenced in R 408.42602[1])

R 408.42629 Double connections.

Rule 2629. (1) If 2 structural members on opposite sides of a column web, or a beam web over a column, are connected sharing common connection holes, then at least 1 bolt with its wrench-tight nut shall remain connected to the first member unless a shop-attached or field-attached seat or equivalent connection device is supplied with the member to secure the first member and prevent the column from being displaced (see appendix H, as referenced in R 408.42602[1], for examples of equivalent connection devices).

(2) If a seat or equivalent device is used, then the seat (or device) shall be designed to support the load during the double connection process. The seat or equivalent device shall be adequately bolted or welded to both a supporting member and the first member before the nuts on the shared bolts are removed to make the double connection.

R 408.42630 Rescinded.

R 408.42632 Rescinded.

R 408.42634 Open web joists; field-bolted joists.

Rule 2634. (1) Except as provided in subrule (2) of this rule, where steel joists are used and columns are not framed in at least 2 directions with solid web structural steel members, a steel joist shall be field-bolted at the column to provide lateral stability to the column during erection. For the installation of this joist all of the following provisions apply:

(a) A vertical stabilizer plate shall be provided on each column for steel joists. The plate shall be a minimum of 6 inches by 6 inches (152 mm by 152 mm) and shall extend not less than 3 inches (76 mm) below the bottom chord of the joist with a 13/16-inch (21 mm) hole to provide an attachment point for guying or plumbing cables.

(b) The bottom chords of steel joists at columns shall be stabilized to prevent rotation during erection.

(c) Hoisting cables shall not be released until the seat at each end of the steel joist is field-bolted, and each end of the bottom chord is restrained by the column stabilizer plate.

(2) If constructibility does not allow a steel joist to be installed at the column, then both of the following provisions apply:

(a) An alternate means of stabilizing joists shall be installed on both sides near the column and the alternate means shall satisfy all of the following provisions:

(i) Provide stability equivalent to subrule (1) of this rule.

(ii) Be designed by a qualified person.

(iii) Be shop-installed.

(iv) Be included in the erection drawings.

(b) Hoisting cables shall not be released until the seat at each end of the steel joist is field-bolted and the joist is stabilized.

(3) If steel joists at or near columns span 60 feet (18.3 m) or less, then the joist shall be designed with sufficient strength to allow 1 employee to release the hoisting cable without the need for erection bridging.

(4) If steel joists at or near columns span more than 60 feet (18.3 m), then the joists shall be set in tandem with all bridging installed, unless an alternative method of erection, which provides equivalent stability to the steel joist, is designed by a qualified person and is included in the site-specific erection plan.

(5) A steel joist or steel joist girder shall not be placed on any support structure unless the structure is stabilized.

(6) If steel joists are landed on a structure, then they shall be secured to prevent unintentional displacement before installation.

(7) A modification that affects the strength of a steel joist or steel joist girder shall not be made without the approval of the project structural engineer of record.

(8) Both of the following provisions apply to field-bolted joists:

(a) Except for steel joists that have been preassembled into panels, connections of individual steel joists to steel structures in bays of 40 feet (12.2 m) or more shall be fabricated to allow for field-bolting during erection.

(b) The connections specified in subdivision (a) of this subrule shall be field-bolted unless constructibility does not allow.

(9) Steel joists and steel joist girders shall not be used as anchorage points for a fall arrest system unless written approval to do so is obtained from a qualified person.

(10) A bridging terminus point shall be established before bridging is installed. (See appendix C, as referenced in R 408.42602[1])

R 408.42636 Steel joists attachment and erection.

Rule 2636. (1) Each end of “K” series steel joists shall be attached to the support structure with a minimum of 2 1/8-inch (3 mm) fillet welds 1 inch (25 mm) long or with 2 1/2-inch (13 mm) bolts, or the equivalent.

(2) Each end of “LH” and “DLH” series steel joists and steel joist girders shall be attached to the support structure with a minimum of 2 1/4-inch (6 mm) fillet welds 2 inches (51 mm) long, or with 2 3/4-inch (19 mm) bolts, or the equivalent.

(3) Except as provided in subrule (4) of this rule, each steel joist shall be attached to the support structure, at least at 1 end on both sides of the seat, immediately upon placement in the final erection position and before additional joists are placed.

(4) Panels that have been preassembled from steel joists with bridging shall be attached to the structure at each corner before the hoisting cables are released.

(5) Both sides of the seat of 1 end of each steel joist that requires bridging under tables A and B shall be attached to the support structure before hoisting cables are released.

(6) For joists that are more than 60 feet long, both ends of the joist shall be attached as specified in this rule before the hoisting cables are released.

(7) On steel joists that do not require erection bridging under tables A and B, only 1 employee shall be allowed on the joist until all bridging is installed and anchored. Tables A and B read as follows:

TABLE A–ERECTION BRIDGING FOR SHORT SPAN JOISTS

Joist	Span		Joist	Span		Joist	Span
8L1	NM		22K10	40-0		14KCS1	NM
10K1	NM		22K11	40-0		14KCS2	NM
12K1	23-0		24K4	36-0		14KCS3	NM
12K3	NM		24K5	38-0		16KCS2	NM
12K5	NM		24K6	39-0		16KCS3	NM
14K1	27-0		24K7	43-0		16KCS4	NM
14K3	NM		24K8	43-0		16KCS5	NM
14K4	NM		24K9	44-0		18KCS2	35-0
14K6	NM		24K10	NM		18KCS3	NM
16K2	29-0		24K12	NM		18KCS4	NM
16K3	30-0		26K5	38-0		18KCS5	NM
16K4	32-0		26K6	39-0		20KCS2	36-0
16K5	32-0		26K7	43-0		20KCS3	39-0
16K6	NM		26K8	44-0		20KCS4	NM
16K7	NM		26K9	45-0		20KCS5	NM
16K9	NM		26K10	49-0		22KCS2	36-0
18K3	31-0		26K12	NM		22KCS3	40-0
18K4	32-0		28K6	40-0		22KCS4	NM
18K5	33-0		28K7	43-0		22KCS5	NM
18K6	35-0		28K8	44-0		24KCS2	39-0
18K7	NM		28K9	45-0		24KCS3	44-0
18K9	NM		28K10	49-0		24KCS4	NM
18K10	NM		28K12	53-0		24KCS5	NM
20K3	32-0		30K7	44-0		26KCS2	39-0
20K4	34-0		30K8	45-0		26KCS3	44-0
20K5	34-0		30K9	45-0		26KCS4	NM
20K6	36-0		30K10	50-0		26KCS5	NM
20K7	39-0		30K11	52-0		28KCS2	40-0
20K9	39-0		30K12	54-0		28KCS3	45-0
20K10	NM		10KCS1	NM		28KCS4	53-0
22K4	34-0		10KCS2	NM		28KCS5	53-0
22K5	35-0		10KCS3	NM		30KCS3	45-0
22K6	36-0		12KCS1	NM		30KCS4	54-0
22K7	40-0		12KCS2	NM		30KCS5	54-0
22K9	40-0		12KCS3	NM			

NM = diagonal bolted bridging not mandatory for joists under 40 feet.

TABLE B–ERECTION BRIDGING FOR LONG SPAN JOISTS

Joist	Span		Joist	Span
18LH02	33-0		28LH06	42-0
18LH03	NM		28LH07	NM
18LH04	NM		28LH08	NM
18LH05	NM		28LH09	NM
18LH06	NM		28LH10	NM
18LH07	NM		28LH11	NM
18LH08	NM		28LH12	NM
18LH09	NM		28LH13	NM
20LH02	33-0		32LH06	47-0 through 60-0
20LH03	38-0		32LH07	47-0 through 60-0
20LH04	NM		32LH08	55-0 through 60-0
20LH05	NM		32LH09	NM through 60-0
20LH06	NM		32LH10	NM through 60-0
20LH07	NM		32LH11	NM through 60-0
20LH08	NM		32LH12	NM through 60-0
20LH09	NM		32LH13	NM through 60-0
20LH10	NM		32LH14	NM through 60-0
24LH03	35-0		32LH15	NM through 60-0
24LH04	39-0		36LH07	47-0 through 60-0
24LH05	40-0		36LH08	47-0 through 60-0
24LH06	45-0		36LH09	57-0 through 60-0
24LH07	NM		36LH10	NM through 60-0
24LH08	NM		36LH11	NM through 60-0
24LH09	NM		36LH12	NM through 60-0
24LH10	NM		36LH13	NM through 60-0
24LH11	NM		36LH14	NM through 60-0
28LH05	42-0		36LH15	NM through 60-0

NM = diagonal bolted bridging not mandatory for joists under 40 feet.

(8) Employees shall not be allowed on steel joists where the span of the steel joist is equal to or greater than the span shown in tables A and B, except in accordance with subrules (10), (11), (12), (13), (14), and (15) of this rule.

(9) When permanent bridging terminus points cannot be used during erection, additional temporary bridging terminus points are required to provide stability. (See appendix C, as referenced in R 408.42602[1])

(10) If the span of the steel joist is equal to or greater than the span shown in tables A and B, then all of the following provisions shall apply:

(a) A row of bolted diagonal erection bridging shall be installed near the midspan of the steel joist.

(b) Hoisting cables shall not be released until the bolted diagonal erection bridging specified in subdivision (a) of this subrule is installed and anchored.

(c) Not more than 1 employee shall be allowed on spans of steel joist that is equal to or greater than the span shown in tables A and B, until all other bridging is installed and anchored.

(11) If the span of the steel joist is not less than 60 feet (18.3 m) and not more than 100 feet (30.5 m), then all of the following provisions shall apply:

(a) All rows of bridging shall be bolted diagonal bridging.

(b) Two rows of bolted diagonal erection bridging shall be installed near the third points of the steel joist.

(c) Hoisting cables shall not be released until bolted diagonal erection bridging is installed and anchored.

(d) Not more than 2 employees shall be allowed on spans of steel joist not less than 60 feet and not more than 100 feet until all other bridging is installed and anchored.

(12) If the span of the steel joist is not less than 100 feet (30.5 m) and not more than 144 feet (43.9 m), then all of the following provisions shall apply:

(a) All rows of bridging shall be bolted diagonal bridging.

(b) Hoisting cables shall not be released until all bridging is installed and anchored.

(c) Not more than 2 employees shall be allowed on spans of steel joist that are not less than 100 feet and not more than 144 feet until all bridging is installed and anchored.

(13) For steel members spanning more than 144 feet (43.9 m), the erection methods used shall be in accordance with R 408.42628 and R 408.42629.

(14) If any steel joist specified in subrules (6), (10), (11), and (12) of this rule is a bottom chord bearing joist, then a row of bolted diagonal bridging shall be provided near the supports. The bridging shall be installed and anchored before the hoisting cables are released.

(15) If bolted diagonal erection bridging is required by this rule, then all the following provisions shall apply:

(a) The bridging shall be indicated on the erection drawing.

(b) The erection drawing shall be the exclusive indicator of the proper placement of the bridging.

(c) Shop-installed bridging clips, or functional equivalents, shall be used where the bridging bolts to the steel joists.

(d) If 2 pieces of bridging are attached to the steel joist by a common bolt, then the nut that secures the first piece of bridging shall not be removed from the bolt for the attachment of the second.

(e) Bridging attachments shall not protrude above the top chord of the steel joist.

R 408.42638 Landing and placing loads.

Rule 2638. (1) During the construction period, an employer placing a load on steel joists shall ensure that the load is distributed so as not to exceed the carrying capacity of any steel joist.

(2) Except for subrule (4) of this rule, a construction load is not allowed on the steel joists until all bridging is installed and anchored and all joist-bearing ends are attached.

(3) The weight of a bundle of joist bridging is not more than a total of 1,000 pounds (454 kg). A bundle of joist bridging shall be placed on a minimum of 3 steel joists that are secured at 1 end. The edge of the bridging bundle shall be positioned within 1 foot (.30 m) of the secured end.

(4) A bundle of decking shall not be placed on steel joists until all bridging has been installed and anchored and all joist bearing ends attached, unless all of the following conditions are met:

(a) The employer has first determined from a qualified person and documented in a site-specific erection plan that the structure or portion of the structure is capable of supporting the load.

(b) The bundle of decking is placed on a minimum of 3 steel joists.

(c) The joists supporting the bundle of decking are attached at both ends.

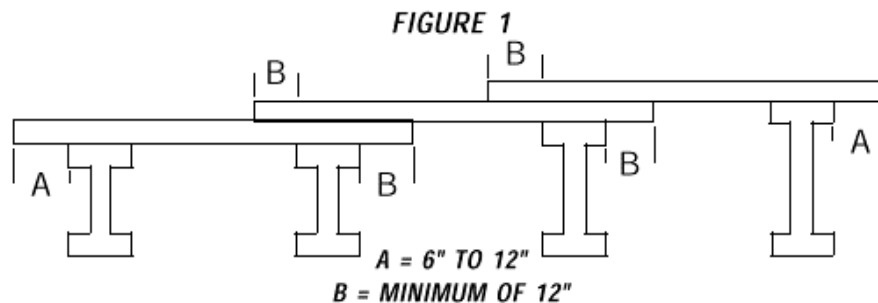
(d) At least 1 row of bridging is installed and anchored.

(e) The total weight of the bundle of decking is not more than 4,000 pounds (1816 kg).

- (f) Placement of the bundle of decking shall be in accordance with subrule (5) of this rule.
- (5) The edge of the construction load shall be placed within 1 foot (.30 m) of the bearing surface of the joist end.

R 408.42640 Installation of metal decking.

- Rule 2640. (1) Except as provided in R 408.42648(1), metal decking shall be laid tightly and immediately secured upon placement to prevent accidental movement or displacement.
- (2) During initial placement, metal decking panels shall be placed to ensure full support by structural members.
 - (3) Derrick floors. A derrick floor shall be fully decked or planked and the steel member connections completed to support the intended floor loading.
 - (4) Temporary loads placed on a derrick floor shall be distributed over the underlying support members so as to prevent local overloading of the deck material.
 - (5) Temporary flooring shall comply with all of the following provisions:
 - (a) Consist of either wood planking which is not less than 2 inches thick, undressed, full size or metal decking or grating of equivalent strength.
 - (b) Cover the entire area, except for access openings.
 - (c) Be secured against displacement.
 - (d) Be capable of carrying the maximum intended working load.
 - (6) Planking of temporary floors shall comply with both of the following provisions:
 - (a) Extend beyond an end bearer not less than 6 inches nor more than 12 inches.
 - (b) Overlap any intermediate bearer by a minimum of 12 inches. (See figure 1.) Figure 1 reads as follows:



- (7) When gathering and stacking temporary floor planks, the planks shall be removed successively, working toward the last panel of the temporary floor so that the work is always done from the planked floor.
- (8) When gathering and stacking temporary floor planks from the last panel, employees assigned to such work shall be protected as specified in R 408.42645.

R 408.42642 Rescinded.

R 408.42643 Systems-engineered metal buildings.

Rule 2643. (1) All of the requirements of this part apply to the erection of systems-engineered metal buildings, except for R 408.42626, R 408.42634, R 408.42636, and R 408.42638.

(2) Each structural column shall be anchored by a minimum of 4 anchor rods (anchor bolts).

(3) Rigid frames shall have 50% of their bolts or the number of bolts specified by the manufacturer, whichever is greater, installed and tightened on both sides of the web adjacent to each flange before the hoisting equipment is released.

(4) Construction loads shall not be placed on any structural steel framework unless the framework is safely bolted, welded, or otherwise adequately secured.

(5) In girt and eave strut-to-frame connections, when girts or eave struts share common connection holes, at least 1 bolt with its wrench-tight nut shall remain connected to the first member unless a manufacturer-supplied, field-attached seat or similar connection device is present to secure the first member so that the girt or eave strut is always secured against displacement.

(6) Both ends of all steel joists or cold-formed joists shall be fully bolted or welded to the support structure before any of the following:

(a) Releasing the hoisting cables.

(b) Allowing an employee on the joists.

(c) Allowing any construction loads on the joists.

(7) Purlins and girts shall not be used as an anchorage point for a fall arrest system unless written approval is obtained from a qualified person.

(8) Purlins may only be used as a walking/working surface when installing safety systems, after all permanent bridging has been installed and fall protection is provided.

(9) Construction loads may be placed only within a zone that is within 8 feet (2.5 m) of the centerline of the primary support member.

R 408.42644 Falling object protection.

Rule 2644. (1) Securing loose items aloft. All materials, equipment, and tools that are not in use while aloft shall be secured against accidental displacement.

(2) Protection from falling objects other than materials being hoisted. The controlling contractor shall bar other construction processes below steel erection unless overhead protection for the employees below is provided.

(3) A container shall be provided for storing and carrying fasteners, such as bolts and rivets and drift pins. The container shall be secured against inadvertent displacement when there is a possibility of the container falling.

(4) If a bolt, drift pin, or rivet is knocked out, then a means shall be provided to prevent it from falling.

(5) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

R 408.42645 Fall protection.

Rule 2645. (1) Except as provided by subrule (3) of this rule, each employee engaged in a steel erection activity who is on a walking/working surface with an unprotected side or edge more than 15 feet (4.6 m) above a lower level shall be protected from fall hazards by guardrail systems, safety net systems, personal fall arrest systems, positioning device systems, or fall restraint systems.

(2) Perimeter safety cables. On multistory structures, perimeter safety cables shall be installed at the final interior and exterior perimeters of the floors as soon as the metal decking has been installed.

(3) Connectors and employees working in controlled decking zones shall be protected from fall hazards as provided in R 408.42646 and R 408.42648.

R 408.42646 Connectors.

Rule 2646. (1) Each connector shall be in compliance with all of the following provisions:

- (a) Be protected in accordance with R 408.42645(1) from fall hazards of more than 2 stories or 30 feet (9.1 m) above a lower level, whichever is less.
- (b) Have completed connector training in accordance with R 408.42655(2).
- (c) Be provided, at heights of more than 15 and up to 30 feet above a lower level, with a personal fall arrest system, positioning device system, or fall restraint system and wear the equipment necessary to be able to be tied off; or be provided with other means of protection from fall hazards in accordance with R 408.42645(1).

R 408.42648 Controlled decking zone (CDZ).

Rule 2648. (1) A controlled decking zone may be established in that area of the structure of more than 15 and up to 30 feet above a lower level where metal decking is initially being installed and forms the leading edge of a work area. In each CDZ, all of the following provisions shall apply:

- (a) Each employee working at the leading edge in a CDZ shall be protected from fall hazards of more than 2 stories or 30 feet (9.1 m), whichever is less.
- (b) Access to a CDZ shall be limited to only those employees engaged in leading edge work.
- (c) The boundaries of a CDZ shall be designated and clearly marked. The CDZ shall not be more than 90 feet (27.4 m) wide and 90 (27.4 m) feet deep from any leading edge. The CDZ shall be marked by the use of control lines or the equivalent. Examples of acceptable procedures for demarcating CDZ's can be found in appendix D, as referenced in R 408.42602[1].
- (d) Each employee working in a CDZ shall have completed CDZ training in accordance with R 408.42655(3).
- (e) Unsecured decking in a CDZ shall not be more than 3,000 square feet (914.4 m²).
- (f) Safety deck attachments shall be performed in the CDZ from the leading edge back to the control line and shall have not less than 2 attachments for each metal decking panel.
- (g) Final deck attachments and installation of shear connectors shall not be performed in the CDZ.

R 408.42650 Rescinded.

R 408.42651 Criteria for fall protection equipment; custody of fall protection.

Rule 2651. (1) Guardrail systems, safety net systems, personal fall arrest systems, positioning device systems and their components shall conform to the criteria in 29 C.F.R. §1926.502, which is adopted by reference in R 408.44502 of construction safety standard Part 45. "Fall Protection," which is referenced in R408.42602. (See appendix G, as referenced in R 408.42602[1])

(2) Fall arrest system components shall be used in fall restraint systems and shall conform to the criteria in 29 C.F.R. §1926.502, which is adopted by reference in R 408.44502 of construction safety standard Part 45. "Fall Protection," which is referenced in R 408.42602. (See appendix G, as referenced in R 408.42602[1]) Either body belts or body harnesses shall be used in fall restraint systems.

(3) Perimeter safety cables shall meet the criteria for guardrail systems in 29 C.F.R. §1926.502, which is adopted by reference in R 408.44502 of construction safety standard Part 45. "Fall Protection," which is referenced in R 408.42602. (See appendix G, as referenced in R 408.42602[1])

(4) Fall protection provided by the steel erector shall remain in the area where steel erection activity has been completed, to be used by other trades, only if the controlling contractor or its authorized representative has done both of the following:

- (a) Directed the steel erector to leave the fall protection in place.
- (b) Inspected and accepted control and responsibility of the fall protection before authorizing persons other than steel erectors to work in the area.

R 408.42653 Training.

Rule 2653. (1) Training personnel. Training required by this rule shall be provided by a qualified person or persons.

(2) An employer shall provide a training program for all employees exposed to fall hazards. The program shall include training and instruction in all of the following areas:

- (a) The recognition and identification of fall hazards in the work area.
- (b) The use and operation of all of the following:
 - (i) Guardrail systems, including perimeter safety cable systems.
 - (ii) Personal fall arrest systems.
 - (iii) Positioning device systems.
 - (iv) Fall restraint systems.
 - (v) Safety net systems.
 - (vi) Other protection to be used.
- (c) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used.
- (d) The procedures to be followed to prevent falls to lower levels and through or into holes and openings in walking/working surfaces and walls.
- (e) The fall protection requirements of this part.

R 408.42654 Rescinded.

R 408.42655 Special training.

Rule 2655. (1) An employer shall ensure that each employee who performs multiple lift rigging has been provided training in both of the following areas:

- (a) The nature of the hazards associated with multiple lifts.
 - (b) The proper procedures and equipment to perform multiple lifts required by R 408.42610.
- (2) An employer shall ensure that each connector has been provided training in both of the following areas:
- (a) The nature of the hazards associated with connecting.
 - (b) The establishment, access, proper connecting techniques, and work practices required by R 408.42629(1) and (2) and R 408.42646.
- (3) Where CDZ's are being used, an employer shall assure that each employee has been provided training in both of the following areas:
- (a) The nature of the hazards associated with work within a controlled decking zone.
 - (b) The establishment, access, proper installation techniques, and work practices required by R 408.42620, R 408.42622, R 408.42640, and R 408.42648.

R 408.42656 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-003

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order No. 1995-18, MCL 324.99903)

R 336.1101, R 336.1103, R 336.1106, R 336.1114, R 336.1116, R 336.1118, and R 336.1119 of the Michigan Administrative Code are amended as follows:
August 7, 2002

PART 1. GENERAL PROVISIONS

R 336.1101 Definitions; A.

Rule 101. As used in these rules:

- (a) "Act" means ~~Act No. 451 of the Public Acts of 1994, as amended, being §§~~ 1994 PA 451, MCL 324.5503 and 324.5512 et seq. ~~of the Michigan Compiled Laws.~~
- (b) "Actual emissions" means the average rate, in tons per year, at which the process or process equipment actually emitted the air contaminant during the preceding 2-year period and which was representative of the normal operation of the process or process equipment. A different time period may be used if the time period can be demonstrated to be more representative of normal operation. Actual emissions shall be calculated using the process's or process equipment's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. The department may presume that the actual emissions for a process or process equipment shall equal the allowable emissions for such process or process equipment if the allowable emissions are identified in the demonstration for an approved state implementation plan. For any process or process equipment that has not begun normal operations, actual emissions shall equal the allowable emissions. The term "actual emissions" is not applicable in parts 6 and 7 of these rules.
- (c) "Adhesion prime" means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.
- (d) "Affected states" means all states that are contiguous to the state of Michigan and whose air quality may be affected by a proposed operating permit, operating permit modification, or operating permit renewal or that are within 50 miles of the stationary source for which a permit action is proposed.
- (e) "Air-cleaning device" means air pollution control equipment.

- (f) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof.
- (g) "Air-dried coating" means a coating that is dried by the use of air or forced warm air at temperatures up to 90 degrees Celsius (194 degrees Fahrenheit).
- (h) "Air pollution" has the same meaning as defined in section 2 of the act.
- (i) "Air pollution control equipment" means any method, process, or equipment that removes, reduces, or renders less noxious air contaminants discharged into the atmosphere.
- (j) "Air quality standard" means the concentration and duration of an air contaminant specified by the department or by the national ambient air quality standards as contained in the provisions of 40 C.F.R. part 50 (1990) (2001), whichever is more restrictive, as the maximum acceptable concentration and duration of that contaminant in the ambient air.
- (k) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the process or process equipment, unless there are legally enforceable limits that restrict the operating rate or the hours of operation, or both, and the most stringent of the following:
 - (i) Any applicable standards pursuant to the clean air act.
 - (ii) Any applicable emission limit specified in these rules, including a limit that has a future compliance date.
 - (iii) Any applicable emission rate specified as a legally enforceable permit condition or voluntary agreement, performance contract, stipulation, or order of the department, including a rate that has a future compliance date.
- (l) "Alternate opacity" means that standard for density of emission which is greater than the standard specified in R 336.1301(1) and which is established by the department for a specific process or process equipment in accordance with the provisions of R 336.1301(4).
- (m) "Alternative method," with respect to source sampling, means a method or set of procedures for obtaining source samples which is not a reference test method or an equivalent method and which has been demonstrated, to the department's satisfaction, to, in specific cases, produce results adequate for a performance test.
- (n) "Ambient air" means that part of the atmosphere outside of buildings to which the general public has access.
- (o) "Applicable requirement" means any of the following as they apply to process or process equipment, including requirements that have been approved as administrative rules under the act pursuant to ~~Act No. 236 of the Public Acts of 1969, as amended, being § 1969 PA 306, MCL 24.201 et seq. of the Michigan Compiled Laws, and known as the administrative procedures act of 1969,~~ or promulgated by the United States environmental protection agency through final rulemaking at the time of issuance of a permit under the act and which will become effective during the permit term:
 - (i) A standard or other requirement provided for in the Michigan state implementation plan, as approved or promulgated by the United States environmental protection agency through rulemaking under title I of the clean air act, that implements the relevant requirements of the clean air act, including any revisions to that plan promulgated in 40 C.F.R. part 52.
 - (ii) A standard or requirement enacted as a part of the act or promulgated in administrative rules pursuant to the act.
 - (iii) A term or condition of any permit issued pursuant to the act or regulations approved or promulgated through rulemaking under title I, including parts c or d, of the clean air act.
 - (iv) A term or condition of an order entered pursuant to the act that is necessary to ensure or demonstrate compliance with any other applicable requirement.
 - (v) A term or condition of a permit issued by the United States environmental protection agency pursuant to title I, subpart c, of the clean air act.
 - (vi) A term or condition of any permit issued pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213.

(vii) A term or condition of an order entered pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, that is necessary to ensure or demonstrate compliance with any other applicable requirement.

(viii) A standard or other requirement under the clean air act, including any of the following:

(A) A standard for the performance of new stationary sources or other requirement under section 111 of the clean air act, including section 111(d).

(B) A standard for hazardous air pollutants or other requirement under section 112 of the clean air act, including any requirement concerning accident prevention under section 112(r)(7) of the clean air act.

(C) A standard or other requirement of the acid rain program under title IV of the clean air act or the regulations promulgated thereunder.

(D) A ~~requirements~~ REQUIREMENT for enhanced monitoring established pursuant to sections 114(a)(3) or 504(b) of the clean air act.

(E) A standard or other requirement governing solid waste incineration under section 129 of the clean air act.

(F) A standard or other requirement for consumer and commercial products under section 183(e) of the clean air act.

(G) A standard or other requirement for tank vessels under section 183(f) of the clean air act.

(H) A standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the clean air act, unless the administrator of the United States environmental protection agency has determined that the standard or requirement need not be contained in a renewable operating permit required under title V of the clean air act.

(I) A national ambient air quality standard or increment or visibility requirement under part C of title I of the clean air act, but only as it would apply to temporary sources.

Any applicable requirement which results solely from the requirements of the act, the rules promulgated under the act, or the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, shall not be enforceable under the clean air act.

(p) "APPLICANT" MEANS A PERSON WHO OWNS OR OPERATES A STATIONARY SOURCE AND WHO FILES AN APPLICATION FOR A PERMIT WITH THE DEPARTMENT.

~~(p)~~(q) "ASTM" means the American society for testing and materials.

~~(p)~~(r) "Automobile" means any passenger motor vehicle capable of seating not more than 12 occupants.

R 336.1103 Definitions; C.

Rule 103. As used in these rules:

(a) "Calendar day" means a 24-hour time period which normally is midnight to midnight, but which may, upon written notification to the department, cover a different, consecutive 24-hour time period for a specific process.

(b) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(c) "Carcinogen" means any of the following:

(i) Group A -- Any substance for which there is sufficient evidence from human epidemiological studies to support a causal association between exposure to the agent and cancer.

(ii) Group B -- Any substance for which the weight of evidence of human carcinogenicity based on epidemiological studies is limited evidence or for which the weight of evidence of carcinogenicity based on animal studies is sufficient evidence.

(iii) Group C -- Any substance for which there is limited evidence of carcinogenicity in animals in the absence of human data and which causes a significant increased incidence of benign or malignant tumors in a single, well-conducted animal bioassay.

(d) "Charging period," with respect to coke ovens utilizing larry car charging methodology, means the total time taken between the point at which the coal starts flowing into the oven and the point at which the leveling door and the charging holes are closed with their respective lids after the coal from the larry car hoppers is emptied into the oven being charged through the respective charging holes and the coal has been leveled in the oven. "Charging period," with respect to coke ovens utilizing pipeline charging methodology, means the total time taken from the time at which the coal starts flowing into an oven by opening the preheated coal inlet valve to the time at which the coal flow ends when the inlet valve is closed.

(e) "Class II hardboard paneling finish" means a finish that meets the specifications of voluntary product standard PS-59-73, as approved by the American national standards institute.

(f) "Clean air act" means chapter 360, 69 stat. 322, 42 U.S.C. §§7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q and regulations promulgated under the clean air act.

(g) "CLEAN CHARGE" MEANS FURNACE CHARGE MATERIALS, INCLUDING MOLTEN METAL; T-BAR; SOW; INGOT; BILLET; PIG; ALLOYING ELEMENTS; UNCOATED/UNPAINTED THERMALLY DRIED METAL CHIPS; METAL SCRAP DRIED AT 343 DEGREES CELSIUS (650 DEGREES FAHRENHEIT) OR HIGHER; METAL SCRAP DELACQUERED/DECOATED AT 482 DEGREES CELSIUS (900 DEGREES FAHRENHEIT) OR HIGHER; OTHER OIL AND LUBRICANT-FREE UNPAINTED/UNCOATED GATES AND RISERS; OIL AND LUBRICANT-FREE UNPAINTED/UNCOATED SCRAP, SHAPES, OR PRODUCTS (FOR EXAMPLE, PISTONS) THAT HAVE NOT UNDERGONE ANY PROCESS (FOR EXAMPLE, MACHINING, COATING, PAINTING) THAT WOULD CAUSE CONTAMINATION OF THE METAL (WITH OILS, LUBRICANTS, COATINGS, OR PAINTS) AND ON-SITE RUNAROUND.

~~(g)~~(h) "Clear coating" means a coating which lacks color and opacity or is transparent and which uses the undercoat as a reflectant base or undertone color.

~~(h)~~(i) "Clinical testing of pharmaceuticals" means ~~a human study which is~~ OR ANIMAL HEALTH STUDIES conducted in 3 phases and which is CONSISTENT WITH APPLICABLE GOVERNMENT REGULATIONS, GUIDELINES, OR DIRECTIONS FOR APPROVAL OF A PHARMACEUTICAL PRODUCT, SUCH AS THOSE monitored by the United States food and drug administration for the purpose of determining any of the following with respect to a drug:

(i) Pharmacological action.

(ii) Preferred route of administration.

(iii) Safe dosage range.

(iv) Optimum dosage schedule.

(v) Safety and effectiveness.

(VI) PRODUCT LABEL INDICATIONS.

~~(j)~~(j) "Coating category" means a type of surface coating for which there is a separate emission limit specified in these rules.

~~(j)~~(k) "Coating line" means an operation which is a single series in a coating process and which is comprised of 1 or more coating applicators and any associated flash-off areas, drying areas, and ovens wherein 1 or more surface coatings are applied and subsequently dried or cured.

~~(k)~~(l) "Coating of automobiles and light-duty trucks" means the application of prime, primer surfacer, topcoat, and final repair to sheet metal and metallic body components during assembly of a vehicle. Examples of these sheet metal and metallic body components include all of the following:

(i) Bodies.

- (ii) Fenders.
- (iii) Cargo boxes.
- (iv) Doors.
- (v) Grill openings.
- (m) "Coating of cans" means exterior coating and interior spray coating in 2-piece can lines; interior and exterior coating in sheet coating lines for 3-piece cans; side seam spray coating and interior spray coating in can fabricating lines for 3-piece cans; and sealing compound application and sheet coating in end coating lines.
- ~~(m)~~(n) "Coating of coils" means the coating of any flat metal sheet or strip that comes in rolls or coils.
- ~~(n)~~(o) "Coating of fabric" means the application of any type of coating to flat sheets of a textile substrate, including the application of coatings by saturation or impregnation.
- ~~(o)~~(p) "Coating of flat wood paneling" means the factory-finished coating of flat products which are constructed of wood and which are intended for use as interior paneling. This definition does not apply to the coating of flat wood products intended for use as exterior siding, tileboard, cabinets, or furniture components.
- ~~(p)~~(q) "Coating of large appliances" means the coating of the component metal parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other associated products. Examples of these component metal parts include all of the following:
 - (i) Doors.
 - (ii) Cases.
 - (iii) Lids.
 - (iv) Panels.
 - (v) Interior support parts.
- ~~(q)~~(r) "Coating of metal furniture" means the coating of any furniture made of metal and includes the coating of any metal part that is or shall be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.
- ~~(r)~~(s) "Coating of paper" means the application of any decorative, functional, or saturation coating applied across the entire width of any flat sheet or pressure-sensitive tape, regardless of substrate, or applied across a partial width of any flat sheet or pressure-sensitive tape, regardless of substrate, if this partial coverage is not considered to be an operation or series of operations that is included in the definition of graphic arts line in R 336.1107(e). These applications and substrates include paper, fabric, or plastic film; related wet-coating processes on plastic film, including typewriter ribbons, photographic film, and magnetic tape; and decorative coatings on metal foil, including gift wrapping and packaging.
- ~~(s)~~(t) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.
- ~~(t)~~(u) "Coating of plastic parts of business machines" means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.
- ~~(u)~~(v) "Coating of vinyl" means any printing, decorative coating, or protective topcoat applied over vinyl-coated fabric or vinyl rolls or sheets. Coating of vinyl does not include the application of plastisols.
- ~~(v)~~(w) "Coating transfer efficiency" means the percentage of coating solids material that leaves the coating applicator and remains on the surface of the product.
- ~~(w)~~(x) "Coke battery" means a series of coke ovens arranged side by side with an integral heating system.
- ~~(x)~~(y) "Coke oven" means a chamber in which coal is destructively distilled to yield coke.
- ~~(y)~~(z) "Cokeside," with respect to a coke oven, means that side of the coke oven through which coke is discharged.

~~(z)~~(aa) "Coking cycle" means the time during which coal undergoes destructive distillation in a coke oven. It commences at the end of the charging period and ends at the beginning of the pushing operation, but does not include any decarbonization periods.

~~(aa)~~(bb) "Cold cleaner" means a tank containing organic solvent at a temperature below its boiling point which is used to spray, brush, flush, or immerse a metallic object for the purpose of cleaning or degreasing.

~~(bb)~~(cc) "Commence" means that the owner or operator has all necessary preconstruction approvals or permits and has either undertaken a continuous program of on-site installation, construction, reconstruction, relocation, or alteration of a process or process equipment that will be completed within a reasonable time or has entered into a binding agreement or obligation to undertake a continuous program of installation, construction, reconstruction, relocation, or alteration of a process or process equipment that will be completed within a reasonable time, which agreement or obligation cannot be canceled or modified without substantial loss to the owner or operator.

~~(ee)~~(dd) "Commercial location" means a publicly or privately owned place where persons are engaged in the exchange or sale of goods or services and multiple housing units designed for 3 or more families, except for elementary and secondary schools and facilities owned and operated by the state government. A separate building or group of buildings used for the exchange or sale of goods or services and having a single owner and manager constitutes a separate commercial location.

~~(dd)~~(ee) "Completed organic resin" means organic resin solids, solvents, and additives as deliverable for sale or use, including a dry organic resin.

~~(ee)~~(ff) "Compliance plan" means a description of the compliance status of a source with respect to all applicable requirements for each process or process equipment as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

(iii) For applicable requirements for which the stationary source is not in compliance at the time of permit issuance, a narrative description of how the stationary source will achieve compliance with the requirements.

~~(ff)~~(gg) "Component" means 1 of the following:

(i) As it pertains to the provisions of R 336.1622, "component" means any piece of equipment that has the potential to leak a volatile organic compound and includes all of the following:

(A) Pump seals.

(B) Compressor seals.

(C) Seal oil degassing vents.

(D) Pipeline valves.

(E) Flanges and other connections.

(F) Pressure-relief devices.

(G) Process drains.

(H) Open ended pipes.

(ii) As it pertains to the provisions of R 336.1628, "component" means all of the following:

(A) Compressor seals.

(B) Process valves in light liquid or gaseous volatile organic compound service.

(C) Pressure-relief valves in gaseous volatile organic compound service.

(D) Seals of pumps in light liquid service.

(iii) As it pertains to the provisions of R 336.1629, "component" means all of the following:

(A) Compressor seals.

- (B) Process valves.
- (C) Pressure-relief valves.
- (D) Pump seals.

This definition does not include a valve that is not externally regulated, that is, a valve which has no external controls and thus does not have the potential to leak a volatile organic compound.

~~(gg)~~(hh) "Component in field gas service" means a component that processes, transfers, or contains field gas.

~~(hh)~~(ii) "Component in gaseous volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the gaseous phase under actual conditions.

~~(ii)~~(jj) "Component in heavy liquid service" means a component that processes, transfers, or contains heavy liquid.

~~(jj)~~(kk) "Component in light liquid service" means a component that contacts a light liquid containing more than 10% volatile organic compound by weight.

~~(kk)~~(ll) "Component in liquid volatile organic compound service" means a component that processes, transfers, or contains a volatile organic compound in the liquid phase under actual conditions.

~~(ll)~~(mm) "Condenser" means a device that effects the removal of an air contaminant from an exhaust stream by a physical change of state from a vapor to a liquid or solid form.

~~(mm)~~(nn) "Contemporaneous," with respect to a net emissions increase, means an increase or decrease in actual emissions that occurs between the date 5 years before construction on a particular change commences and the date that the increase from a particular change occurs.

~~(nn)~~(oo) "Control equipment" means air pollution control equipment.

~~(oo)~~(pp) "Conventional air-atomizing spray equipment" means a device which is designed to atomize and direct fluid material solely through the use of compressed air and which is capable of operating at air pressures of more than 10 pounds per square inch.

~~(pp)~~(qq) "Conveyorized cold cleaner" means any continuous system that transports metallic objects through a bath containing organic solvent at a temperature below its boiling point for the purpose of cleaning or degreasing.

~~(qq)~~(rr) "Conveyorized vapor degreaser" means any continuous system that transports metallic objects through or over, or through and over, a bath containing organic solvent that is heated to its boiling point for the purpose of cleaning or degreasing.

~~(rr)~~(ss) "Creditable," with respect to a net emissions increase, means all of the following:

(i) An increase in actual emission to the extent that the new level of actual emissions exceeds the old level of actual emissions.

(ii) A decrease in actual emission to the extent that this decrease meets all of the following provisions:

(A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.

(B) The new level of actual emissions is legally enforceable at and after the time that construction of the particular change commences.

(C) The decrease in emissions has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(D) The decrease in emissions has not been relied upon for the issuance of any permit subject to the provisions of R 336.1201, R 336.1220, 40 C.F.R. part 71, or 40 C.F.R. part 70, or the decrease has not been used in demonstrating attainment or reasonable further progress towards attainment of the standards.

(E) The process or process equipment actually operated and emitted an air contaminant.

(iii) An increase or decrease that was not a part of a permit to install issued pursuant to any applicable federal or state offset rule, which permit is in effect when the increase in actual emissions from the particular change occurs.

~~(ss)~~(tt) "Cutback paving asphalt" means asphalt cement which has been liquefied by blending with a volatile organic compound and which is used for the purpose of paving or repairing, or paving and repairing, a road surface.

~~(tt)~~(uu) "Cycle of operation," with respect to continuous emission monitoring systems, means the total time a monitoring system requires to sample, analyze, and record an emission measurement.

R 336.1106 Definitions; F.

Rule 106. As used in these rules:

(a) "Federal land manager" means, with respect to any lands in the United States, the secretary of the department with authority over such lands.

(b) "FEDERALLY ENFORCEABLE" MEANS THAT A LIMITATION OR CONDITION IS ENFORCEABLE BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. LIMITATIONS AND CONDITIONS WHICH ARE ENFORCEABLE BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY INCLUDE REQUIREMENTS DEVELOPED PURSUANT TO 40 C.F.R. PARTS 60, 61, AND 63; REQUIREMENTS WITHIN THE STATE IMPLEMENTATION PLAN; AND ANY PERMIT REQUIREMENT ESTABLISHED PURSUANT TO 40 C.F.R. §52.21, R 336.1220, R 336.1208, OR R 336.1201(1)(A).

~~(b)~~(c) "Field gas" means a feedstock gas entering a natural gas processing plant.

~~(c)~~(d) "Field testing" means the limited use or distribution of a product to determine the quality of the product, including its suitability for its intended end use.

~~(d)~~(e) "Fixed roof stationary vessel" means a stationary vessel with a roof connected in a rigid fashion to the side walls of the vessel, a spherically-shaped vessel, or a pressure vessel designed to maintain a specific working pressure.

~~(e)~~(f) "Flexible coating" means any coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

~~(f)~~(g) "Flexographic printing" means the application of words, designs, or pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

~~(g)~~(h) "Fog coat" means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.

~~(h)~~(i) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~(i)~~(j) "Fuel-burning equipment" means a device, contrivance, or equipment used principally, but not exclusively, for the burning of fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash removal equipment, combustion controls, and stacks and chimneys, which equipment is used for indirect heating in which the material being heated is not contacted by, and does not add substance to, the products of combustion. This equipment typically includes that used for all of the following:

(i) Heating water to boiling.

(ii) Raising steam or superheating steam.

(iii) Heating air as in a warm-air furnace.

(iv) Furnishing process heat that is conducted through vessel walls.

(v) Furnishing process heat indirectly through its transfer by fluids.

(k) "Fuel gas system" means any system in which gas generated by a petroleum refinery process unit is combusted, including any gaseous mixture of natural gas with such gas, and is not commercially sold.

(l) "Fugitive dust" means particulate matter which is generated from indoor processes, activities, or operations and which is emitted into the outer air through building openings and general exhaust ventilation, except stacks. The term also means particulate matter which is emitted into the outer air from outdoor processes, activities, or operations due to the forces of the wind or human activity.

(m) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

R 336.1114 Definitions; N.

Rule 114. As used in these rules:

(a) "Natural finish hardwood plywood panel" means a panel that has its original grain pattern enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(b) "Natural gas processing plant" means a stationary source where the extraction of natural gas liquids from field gas or the fractionation of the liquids into natural gas products, such as ethane, propane, butane, and natural gasoline, takes place.

(c) "Natural gas process unit" means process equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A natural gas process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.

(d) "Nearby" means, with respect to good engineering practice design stack heights, a distance of up to 5 times the lesser of the height or the width dimension of a structure, but not more than 0.8 kilometers (0.5 miles). The height of the structure is measured from the ground level elevation at the base of the stack.

(e) "Net emissions increase" means, to the extent that a particular change results in an increase in actual emissions from the process or process equipment, the amount by which the sum of both of the following exceeds zero:

(i) The increase in actual emissions from a particular change.

(ii) Any decreases and any other increases in actual emissions from other processes or process equipment at the stationary source which are contemporaneous with the particular change and are creditable.

(f) "Nonattainment air contaminant" means an air contaminant which may be emitted from a process or process equipment which is located in a designated nonattainment area for such air contaminant. Volatile organic compounds which may be emitted from a process or process equipment which is located in a designated ozone nonattainment area shall be considered a "nonattainment air contaminant." Nitrogen oxides that may be emitted from a process or process equipment which is located in a moderate ozone nonattainment area shall be considered a "nonattainment air contaminant."

(g) "Nonattainment area" means an area designated ~~by the department~~ as not having attained full compliance with all ANY national ambient air quality standards PURSUANT TO SECTION 107(D) OF THE CLEAN AIR ACT. Such designation shall be air contaminant specific and shall not mean that an area is a nonattainment area for any other air contaminant unless so specified. The department shall maintain a list of designated nonattainment areas and shall update ~~such~~ THE list when air quality monitoring or modeling data warrant. For certain air contaminants, nonattainment areas are classified for the purposes of applying an attainment date, or for other purposes, in accordance with procedures established pursuant to the clean air act, as amended, 42 U.S.C. §7401 et seq. For ozone nonattainment areas, classifications have been established as follows:

(i) Nonclassifiable.

- (ii) Marginal.
- (iii) Moderate.
- (iv) Serious.
- (v) Severe.
- (vi) Extreme.

R 336.1116 Definitions; P.

Rule 116. As used in these rules:

- (a) "Packaging rotogravure printing" means rotogravure printing upon a substrate that, in subsequent operations, is formed into a packaging product or label, or both.
- (b) "Paint manufacturing" means the grinding or mixing of a combination of pigments, resins, and liquids to produce a surface coating as listed in standard industrial classification code 2851.
- (c) "Particulate matter" means any air contaminant existing as a finely divided liquid or solid, other than uncombined water, as measured by a reference test specified in R 336.2004(5) or by an equivalent or alternative method.
- (d) "Perchloroethylene dry cleaning equipment" means equipment utilized in the cleaning of fabrics for which perchloroethylene (tetrachloroethylene) is the predominant cleaning medium.
- (e) "Performance test" means the taking of a source sample at a stationary source, employing department-approved methods, to determine either of the following:
 - (i) Compliance with the department's rules, orders, or emission limitations.
 - (ii) Compliance with the conditions of a permit to install or permit to operate.
- (f) "Permit to install" means a permit issued by the department authorizing the construction, installation, relocation, or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with approved plans and specifications.
- (g) "Permit to operate" means a permit issued by the department authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been demonstrated that it can be operated in compliance with these rules. The requirement to obtain a permit to operate was removed from these rules effective July 26, 1995. Permits to operate issued before that date remain in effect and legally enforceable unless they are voided pursuant to R 336.1201(6)-~~or R 336.1214(7)~~.
- (h) "Person" means any of the following:
 - (i) An individual person.
 - (ii) Trustee.
 - (iii) Court-appointed representative.
 - (iv) Syndicate.
 - (v) Association.
 - (vi) Partnership.
 - (vii) Firm.
 - (viii) Club.
 - (ix) Company.
 - (x) Corporation.
 - (xi) Business trust.
 - (xii) Institution.
 - (xiii) Agency.
 - (xiv) Government corporation.
 - (xv) Municipal corporation.

- (xvi) City.
- (xvii) County.
- (xviii) Municipality.
- (xix) District.
- (xx) Other political subdivision, department, bureau, agency, or instrumentality of federal, state, or local government.
- (xxi) Other entity recognized by law as the subject of rights and duties.
- (i) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal gasification or liquefaction.
- (j) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or the reforming of unfinished petroleum derivatives.
- (k) "PM-10" means particulate matter that has an aerodynamic diameter less than or equal to a nominal 10 micrometers, as measured by a reference test specified in 40 C.F.R. part 51, appendix m.
- (l) "Potential emissions" means those emissions expected to occur without control equipment, unless this control equipment is, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Annual potential emissions shall be based on the maximum annual-rated capacity of the source, unless the source is subject to enforceable permit conditions or enforceable orders that limit the operating rate or the hours of operation, or both. Enforceable agreements or permit conditions on the type or amount of materials combusted or processed shall be used in determining the potential emission rate of a source.
- (m) "Potential to emit" means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limit on the capacity of the stationary source to emit an air contaminant, including air pollution control equipment and restrictions on the hours of operation or the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if ~~such~~ THE limit, or the effect it would have on emissions, is legally enforceable. Secondary emissions shall not count in determining the "potential to emit" of a stationary source. For hazardous air pollutants that have been listed pursuant to section 112(b) of the clean air act, quantifiable fugitive emissions shall be included in determining the potential to emit of any stationary source. For all other air contaminants, quantifiable fugitive emissions shall be included in determining the "potential to emit" of a stationary source only if the stationary source belongs to 1 of the following categories:
 - (i) Coal cleaning plants ~~with~~ THAT HAVE thermal dryers.
 - (ii) Kraft pulp mills.
 - (iii) Portland cement plants.
 - (iv) Primary zinc smelters.
 - (v) Iron and steel mills.
 - (vi) Primary aluminum ore reduction plants.
 - (vii) Primary copper smelters.
 - (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day.
 - (ix) Hydrofluoric, sulfuric, or nitric acid plants.
 - (x) Petroleum refineries.
 - (xi) Lime plants.
 - (xii) Phosphate rock processing plants.
 - (xiii) Coke oven batteries.
 - (xiv) Sulfur recovery plants.

- (xv) Carbon black plants ~~with~~ THAT HAVE a furnace process.
- (xvi) Primary lead smelters.
- (xvii) Fuel conversion plants.
- (xviii) Sintering plants.
- (xix) Secondary metal production plants.
- (xx) Chemical process plants.
- (xxi) Fossil fuel boilers (or combination thereof) totaling more than 250,000,000 Btu per hour heat input.
- (xxii) Petroleum storage and transfer units ~~with~~ THAT HAVE a total storage capacity of more than 300,000 barrels or petroleum storage vessels ~~with~~ THAT HAVE a capacity of more than 40,000 gallons.
- (xxiii) Taconite ore processing plants.
- (xxiv) Glass-fiber processing plants.
- (xxv) Charcoal production plants.
- (xxvi) Fossil fuel-fired steam electric plants of more than 250,000,000 Btu per hour heat input.
- (xxvii) Asphalt concrete plants.
- (xxviii) Secondary lead smelters and refineries.
- (xxix) Sewage treatment plants.
- (xxx) Phosphate fertilizer plants.
- (xxxi) Ferroalloy production plants.
- (xxxii) Grain elevators.
- (xxxiii) Stationary gas turbines.
- (xxxiv) Stationary sources that are subject to the federal national emission standards for hazardous air pollutants for the following materials:
 - (A) Asbestos.
 - (B) Beryllium.
 - (C) Mercury.
 - (D) Vinyl chloride.
- (n) "PPM" means parts per million, by volume.
- (o) "Printed interior panel" means a panel which has its grain or natural surface obscured by fillers and basecoats and upon which a simulated grain or decorative pattern is printed.
- (p) "Process" means an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. Examples of a "process" include any of the following:
 - (i) A physical change of a material.
 - (ii) A chemical change of a material.
 - (iii) The combustion of fuel, refuse, or waste material.
 - (iv) The storage of a material.
 - (v) The handling of a material.
- (q) "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.
- (r) "Process unit turnaround" means the scheduled shutdown of a refinery process unit for the purpose of inspection or maintenance of the unit.
- (s) "Production equipment exhaust system" means a device for collecting and removing, from the immediate area, fugitive air contaminants from any process equipment.
- (t) "Psia" means pounds per square inch absolute.
- (u) "Publication rotogravure printing" means rotogravure printing upon a substrate that is subsequently formed into any of the following:

- (i) Book.
- (ii) Magazine.
- (iii) Catalogue.
- (iv) Brochure.
- (v) Directory.
- (vi) Newspaper.
- (vii) Supplement.
- (viii) Other type of printed material.
- (v) "Pushing operation," with respect to coke ovens, means the movement of the coke from a coke oven into the coke-receiving car.
- (w) "Pushside," with respect to a coke oven, means that side of the coke oven that is adjacent to the pushing machine.

R 336.1118 Definitions; R.

Rule 118. As used in these rules:

- (a) "Reactor" means a vessel which may be jacketed to permit temperature control and which is designed to contain materials during chemical reaction.
- (b) "Reconstruction" means the replacement of components of an existing facility so that the fixed capital cost of the new components is more than 50% of the fixed capital cost that would be required to construct a comparable entirely new emission unit and so that it is technologically and economically feasible to meet the applicable requirement.

"Fixed capital cost," as used in this subdivision, means the capital needed to provide all of the depreciable components.

- (c) "Red coating" means a coating which meets all of the following criteria:

- (i) Yellow limit: the hue of hostaperm scarlet.
- (ii) Blue limit: the hue of monastral red-violet.
- (iii) Lightness limit for metallics: 35% aluminum flake.
- (iv) Lightness limit for solids: 50% titanium dioxide white.
- (v) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.
- (vi) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units.

These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

- (d) "Reference test method," with respect to source sampling, means a method or set of procedures, as described in appendix A to these rules, for obtaining source samples.
- (e) "Refinery unit" means a set of components and other equipment which are a part of a basic process operation, such as distillation, hydrotreating, cracking, or reforming of hydrocarbons.
- (f) "Reid vapor pressure" means the absolute vapor pressure of an organic compound at 100 degrees Fahrenheit as measured by the standard test method set forth in ASTM D-323 or approved equivalent. ASTM D-323 is adopted by reference in these rules. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$30.00. A copy may also be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, at a cost as of the time of adoption of these rules of \$30.00.

(g) "Repetitive production of a product" means, ~~for batch processes or process equipment, producing 10 or more batches of the product. For continuous processes or process equipment, this phrase means running the process or process equipment for a period of more than 10 times the length of time for the raw materials to become the finished product or 24 hours, whichever is longer.~~ PRODUCTION, FOR PURPOSES OTHER THAN CLINICAL TESTING OF PHARMACEUTICALS, WHICH MEETS THE FOLLOWING CRITERIA:

(I) BATCH PROCESSES OR PROCESS EQUIPMENT PRODUCING 10 OR MORE BATCHES OF PRODUCT.

(II) CONTINUOUS PROCESSES OR PROCESS EQUIPMENT RUNNING FOR A PERIOD OF MORE THAN 10 TIMES THE LENGTH OF TIME FOR THE RAW MATERIALS TO BECOME FINISHED PRODUCT OR 24 HOURS, WHICHEVER IS LONGER.

(h) "Research and development activities" means activities conducted for the primary purpose of developing new production processes and products, testing more efficient production processes, or testing methods for preventing or reducing adverse environmental impacts, if the activities are in compliance with both of the following provisions:

(i) The activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, except in a de minimis manner.

(ii) The activities are conducted at a research or laboratory facility that is operated under the close supervision of technically trained personnel.

(i) "Resist coat" means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

(j) "Responsible official" means, for the purposes of signing and certifying the truth, accuracy, and completeness of permit applications, monitoring and other reports, and compliance certifications, any of the following:

(i) For a corporation, a president, secretary, treasurer, or vice-president of the corporation who is in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation. The person identified in the preceding sentence may appoint another person as his or her authorized representative under either of the following circumstances:

(A) The representative is responsible for the overall operation of 1 or more manufacturing, production, or operating facilities applying for or subject to a permit and either the facilities employ more than 250 persons or have gross annual sales or expenditures of more than \$25,000,000.00.

(B) The representative has responsibilities for the overall operation of a source and is approved in advance by the department. A responsible official shall submit a written request for approval from the department to designate an authorized representative pursuant to this paragraph. The department shall respond, in writing, within 30 days of receipt of the request.

(ii) For a partnership or sole proprietorship, a general partner or the proprietor.

(iii) For a county, city, village, township, state, federal, or other public agency, either a principal executive officer or ranking elected official. For this purpose, a principal executive officer includes the chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.

(iv) For affected sources under title IV of the clean air act, the designated representative as defined in title IV of the clean air act.

(k) "Rotogravure printing" means the application of words, designs, pictures, or surface coating to a substrate by means of a roll printing technique that involves intaglio or recessed image areas in the form of cells.

R 336.1119 Definitions; S.

Rule 119. As used in these rules:

(a) "Schedule of compliance" means, for purposes of R 336.1201 to R 336.1218, all of the following:

- (i) For a source not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a schedule of remedial measures, including an enforceable sequence of actions or operations that specifies milestones, leading to compliance with an applicable requirement, and a schedule for submission of certified progress reports, at least every 6 months. The schedule shall resemble, and be at least as stringent as, a schedule contained in a judicial consent decree or administrative order to which the source is subject. A schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirement on which it is based.
- (ii) For a source in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a statement that the source will continue to comply with the requirements.
- (iii) With respect to any applicable requirement that has a future effective compliance date that is after the date of issuance and before the date of expiration of the renewable operating permit, the schedule of compliance shall contain a statement that the source will meet the requirement on a timely basis, unless the underlying applicable requirement requires a more detailed schedule.
- (b) "Secondary emissions" means emissions which occur as a result of the construction or operation of a stationary source, but which do not come from the stationary source itself. Secondary emissions include only emissions that are specific, well-defined, quantifiable, and impact the same general area as the stationary source which causes the secondary emissions. Secondary emissions also include emissions from any off-site support facility which would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the stationary source. Examples of secondary emissions include the following:
 - (i) Emissions from ships or trains coming to or going from a stationary source.
 - (ii) Emissions from any off-site support facility that would not otherwise be constructed or increase its emissions except as a result of the construction or operation of the stationary source.
- (c) "Secondary risk screening level" means the concentration of a possible, probable, or known human carcinogen in ambient air which has been calculated, for regulatory purposes, according to the risk assessment procedures in R 336.1229(1), to produce an estimated upper-bound lifetime cancer risk of 1 in 100,000.
- (d) "Shutdown" means the cessation of operation of a source for any purpose.
- (e) "Significant" means a rate of emissions for the following air contaminants which would equal or exceed any of the following:
 - (i) Carbon monoxide - 100 tons per year.
 - (ii) Nitrogen oxides - 40 tons per year.
 - (iii) Sulfur dioxide - 40 tons per year.
 - (iv) Particulate matter - 25 tons per year.
 - (v) PM-10 - 15 tons per year.
 - (vi) Volatile organic compounds - 40 tons per year.
 - (vii) Lead - 0.6 tons per year.
- (f) "Smoke" means small gas and airborne particles consisting essentially of carbonaceous material in sufficient numbers to be observable.
- (g) "Sour condensate" means a condensate that emits sour gas at atmospheric pressure.
- (h) "Sour crude" means a crude oil that emits sour gas at atmospheric pressure.
- (i) "Sour gas" means any gas containing more than 1 grain of hydrogen sulfide or more than 10 grains of total sulfur per 100 standard cubic feet.
- (j) "Source sample" means any raw material, fuel, product, by-product, waste material, exhaust gas, air contaminant, flora, soil, or other such material existing as a gas, liquid, or solid, which is captured, retained, or collected from a stationary source.

(k) "Specific plate collection area" means the ratio of the total collection area to the total gas volume flow rate in square feet per 1,000 actual cubic feet per minute.

(l) "Stack" or "chimney" means a flue, conduit, or duct arranged to conduct a gas stream to the outer air.

(m) "Standard conditions" means a gas temperature of 70 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury absolute.

(n) "Standpipe assembly," with respect to coke ovens, means the riser, standpipe lid, and the gooseneck.

(o) "Standpipe assembly emission point," with respect to a coke oven battery equipped with a single collector main or a double collector main, means the flexible connection between the battery top and the base of the riser, the seating surface of the standpipe lid, and the second flexible connection wherever located, or another agreed upon connection that is located between the collector main and the gooseneck. With respect to a battery equipped with a charging main and a gas-offtake main in tandem, "standpipe assembly emission point" means the upper flange, the lower flange, the top lid, the bottom lid, the upper sand seal, the middle sand seal, and the lower base sand seal. With respect to a battery equipped with a jumper pipe ministandpipe, "standpipe assembly emission point" means the flexible connection between the battery top and the base of the riser, the seating surface of the standpipe lid, the flexible connection between the collector main and the gooseneck, the ministandpipe lid, and the flexible connection between the battery top and the jumper pipe ministandpipe.

(p) "Start-up" means the setting in operation of a process or process equipment for any purpose.

(q) "STATE-ONLY ENFORCEABLE" MEANS THAT THE LIMITATION OR CONDITION IS DERIVED SOLELY FROM THE ACT AND THE AIR POLLUTION CONTROL RULES AND IS NOT FEDERALLY ENFORCEABLE. STATE-ONLY ENFORCEABLE REQUIREMENTS INCLUDE R 336.1224, R 336.1225, R 336.1901, ANY PERMIT REQUIREMENT ESTABLISHED SOLELY PURSUANT TO R 366.1201(1)(B), OR ANY OTHER REGULATION THAT IS ENFORCEABLE SOLELY UNDER THE ACT AND IS NOT FEDERALLY ENFORCEABLE.

~~(q)~~(r) "Stationary source" means all buildings, structures, facilities, ~~or~~—installations, OR STATIONARY INTERNAL COMBUSTION ENGINES which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity . In addition, a stationary source includes any other buildings, structures, facilities, ~~or~~—installations, OR STATIONARY INTERNAL COMBUSTION ENGINES which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have a different 2-digit major group code, but which support the primary activity. Buildings, structures, facilities, ~~or~~—installations, OR INTERNAL COMBUSTION ENGINES are considered to support the primary activity if 50% or more of their output is dedicated to the primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 1987. Notwithstanding the provisions of this subdivision, research and development activities, as described in R 336.1118, may be treated as a separate stationary source, unless the research and development activities support the primary activity of the stationary source. A STATIONARY SOURCE DOES NOT INCLUDE EMISSIONS RESULTING DIRECTLY FROM AN INTERNAL COMBUSTION ENGINE USED FOR TRANSPORTATION PURPOSES, OR FROM A NONROAD ENGINE OR NONROAD VEHICLE AS DEFINED IN SECTION 216 OF THE CLEAN AIR ACT.

~~(s)~~(s) "Stationary vessel" means any tank, reservoir, or container used for the storage of any volatile organic compound which is not used to transport such volatile organic compound and in which no manufacturing process or part thereof takes place.

~~(s)~~(t) "Stencil coat" means a coating that is applied over a stencil to a plastic part at a thickness of 1 mil or less of coating solids. Stencil coats are most frequently letters, numbers, or decorative designs.

- ~~(u)~~(u) "Styrene devolatilizer unit" means equipment performing the function of separating unreacted styrene monomer and other volatile components from polystyrene in a vacuum devolatilizer.
- ~~(v)~~(v) "Styrene recovery unit" means equipment performing the function of separating styrene monomer from other less volatile components of the styrene devolatilizer unit's output. The separated styrene monomer may be reused as raw material in the manufacturing of polystyrene resin.
- ~~(w)~~(w) "Submerged fill pipe" means any fill pipe that has its discharge opening entirely submerged when the liquid level is 6 inches above the bottom of the vessel or, when applied to a vessel that is loaded from the side, means either of the following:
- (i) Any fill pipe that has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the vessel.
 - (ii) Any fill pipe that has its discharge opening entirely submerged when the liquid level is twice the diameter of the fill pipe above the bottom of the vessel, but in no case shall the top of such submerged fill pipe be more than 36 inches above the bottom of the vessel.
- ~~(x)~~(x) "Sufficient evidence," a term of art, means either of the following:
- (i) In human epidemiological studies, that the data indicate that there is a causal relationship between the agent and human cancer.
 - (ii) In animal studies, the data suggest that there is an increased incidence of malignant tumors or combined malignant and benign tumors in any of the following:
 - (A) Multiple species or strains.
 - (B) Multiple experiments.
 - (C) To an unusual degree in a single experiment with regard to high incidence, unusual site or type of tumor, or early age at onset.
- ~~(y)~~(y) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
- ~~(z)~~(z) "Surface coating" means any paint, lacquer, varnish, ink, adhesive, or other coating material applied on a surface.
- ~~(aa)~~(aa) "Sweet condensate" means any condensate that is not a sour condensate.
- ~~(ab)~~(ab) "Sweet crude" means any crude oil that is not a sour crude.
- ~~(ac)~~(ac) "Sweetening facility" means a facility or process that removes hydrogen sulfide or sulfur-containing compounds, or both, from a sour gas, sour crude oil, or sour condensate stream and converts it to sweet gas, sweet crude, or sweet condensate. The term "sweetening facility" does not include a facility or process that operates in an enclosed system and does not emit hydrogen sulfide to the outer air.
- ~~(ad)~~(ad) "Sweet gas" means any gas that is not a sour gas.
- ~~(ae)~~(ae) "Synthetic organic chemical and polymer manufacturing plant" means a stationary source where the production, as intermediates or final products, of 1 or more of the following chemicals takes place:
- (i) Methyl tert-butyl ether.
 - (ii) Polyethylene.
 - (iii) Polypropylene.
 - (iv) Polystyrene.
 - (v) Synthetic organic chemicals listed in section 489 of 40 C.F.R. part 60, subpart VV, ~~(July 1, 1984)~~(2002), entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry," WHICH IS ADOPTED BY REFERENCE IN R 336.1628(1).

~~(ee)~~(ff) "Synthetic organic chemical and polymer manufacturing process unit" means all process equipment assembled to manufacture, as intermediates or final products, 1 or more of the chemicals listed in the definition of synthetic organic chemical and polymer manufacturing plant. A synthetic organic chemical and polymer manufacturing process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-004

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

AIR POLLUTION CONTROL

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order No. 1995-18, MCL 324.99903)

September 10, 2002

R 336.1201, R 336.201a, R 336.1202, R 336.1203, R 336.1204, R 336.1205, R 336.1206, R 336.1207, R 336.1212, R 336.1216, R 336.1219, R 336.1220, R 336.1240, R 336.1241, R 336.1278, R 336.1281, R 336.1282, R 336.1284, R 336.1285, R 336.1287, R 336.1289, and R 336.1299 of the Michigan Administrative Code are amended; R 336.1214a and R 336.1278a are added to the Code; and R 336.1279 of the Code is rescinded as follows:

PART 2. AIR USE APPROVAL

R 336.1201 Permits to install.

Rule 201. (1) EXCEPT AS ALLOWED IN R 336.1202 OR R 336.1278 THROUGH R 336.1290, a person shall not install, construct, reconstruct, relocate, ~~alter,~~ or modify any process or process equipment, including control equipment pertaining thereto, which may emit ~~an air contaminant~~ ANY OF THE FOLLOWING, unless a permit to install which authorizes such action is issued by the department:

(A) ANY AIR POLLUTANT REGULATED BY TITLE I OF THE CLEAN AIR ACT and its associated rules, including 40 C.F.R. §§51.165 AND 52.21.

(B) ANY AIR CONTAMINANT.

A person who plans to install, construct, reconstruct, relocate, or modify any such process or process equipment shall apply to the department for a permit to install on an application form approved by the department and shall provide the information required in R 336.1203.

~~(2) If the proposed equipment is of such magnitude that some phases of construction such as site clearing, foundations, and associated structures have to commence before issuance of the permit to install, the person applying for the permit to install may apply to the department for approval of the location of the proposed equipment. The department shall act on such application within a reasonable time and shall not approve the proposed location unless it is reasonably convinced that the equipment, when completed, shall be in compliance with these rules and state law and that the commencement of installation before issuance of the permit to install is~~

~~not prohibited by the clean air act. Construction shall not commence without approval of the location. If a permit to install has not been requested within 3 years of the date of approval of the location pursuant to this subrule, the location approval shall become void unless otherwise authorized by the department as a condition of the location approval.~~

THE DEPARTMENT MAY ISSUE A PERMIT TO INSTALL FOR ANY OF THE FOLLOWING REASONS:

(a) TO AUTHORIZE A PERSON TO INSTALL, CONSTRUCT, RECONSTRUCT, RELOCATE, OR MODIFY A PROCESS OR PROCESS EQUIPMENT PURSUANT TO SUBRULE (1)(a) OF THIS RULE.

(b) TO ESTABLISH LIMITS ON POTENTIAL TO EMIT. THE LIMITS SHALL COMPLY WITH THE PROVISIONS OF R 336.1205(1)(a).

(c) TO CONSOLIDATE TERMS AND CONDITIONS FROM EXISTING PERMITS TO INSTALL WITHIN A RENEWABLE OPERATING PERMIT PURSUANT TO R 336.1214a.

(d) TO AUTHORIZE A PERSON TO INSTALL, CONSTRUCT, RECONSTRUCT, RELOCATE, OR MODIFY PROCESS OR PROCESS EQUIPMENT SOLELY PURSUANT TO SUBRULE (1)(b) OF THIS RULE OR TO CONSOLIDATE STATE-ONLY ENFORCEABLE CONDITIONS WITHIN A RENEWABLE OPERATING PERMIT WHEN THE RENEWABLE OPERATING PERMIT IS ISSUED PURSUANT TO R 336.1214. THIS PERMIT MAY ESTABLISH TERMS AND CONDITIONS THAT ARE LEGALLY ENFORCEABLE SOLELY PURSUANT TO R 336.1224 THROUGH R 336.1232, R 336.1901, OR OTHER REGULATIONS THAT ARE NOT FEDERALLY ENFORCEABLE. EACH CONDITION IN A PERMIT ISSUED PURSUANT TO THIS SUBRULE SHALL BE IDENTIFIED AS STATE-ONLY ENFORCEABLE.

(3) A permit to install may be approved subject to any condition, specified in writing, that is reasonably necessary to assure compliance with all applicable requirements.

(4) If a person decides not to install, construct, reconstruct, relocate, or modify the process or process equipment as authorized by a permit to install, THEN the person, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, and upon receipt of the notification by the department, the permit to install shall become void. If the installation, reconstruction, OR relocation, ~~or alteration~~ of the equipment, for which a permit has been issued, has not commenced within, or has been interrupted for, 18 months, then the permit to install shall become void, unless otherwise authorized by the department as a condition of the permit to install. "Commenced," for purposes of this subrule, means undertaking a continuous program of on-site fabrication, installation, erection, or modification, or having entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

(5) Upon issuance of a permit to install, the emissions from the process or process equipment allowed by the permit to install shall be included in the potential to emit of the stationary source. Upon the physical removal of the process or process equipment, or upon a determination by the department that the process or process equipment has been ~~rendered inoperable~~ PERMANENTLY SHUT DOWN, the permit to install shall become void and the emissions allowed by the permit to install shall no longer be included in the potential to emit of the stationary source.

(6) Except as provided in subrule (8) of this rule AND R 336.1216, operation of the process or process equipment is allowed by the permit to install. ~~until 4~~ THE DEPARTMENT MAY VOID A PERMIT TO INSTALL UPON ANY of the following actions ~~is taken~~:

~~(a) If the permit to install is issued for a process or process equipment located at a stationary source subject to the renewable operating permit requirements of R 336.1210, trial operation is allowed if the equipment~~

~~performs in accordance with the terms and conditions of the permit to install and until the appropriate terms and conditions of the permit to install have been incorporated into the renewable operating permit as a modification pursuant to R 336.1216 or upon renewal pursuant to R 336.1217. Upon incorporation of the appropriate terms and conditions into the renewable operating permit, the permit to install shall become void.~~

~~(b) If the permit to install was issued for a process or process equipment located at a stationary source that is not subject to the renewable operating permit requirements of R 336.1210, then the permit to install remains in effect if the equipment performs in accordance with the terms and conditions of the permit. The permit to install shall become void upon either of the following actions:~~

~~(i) The process or process equipment is reconstructed, relocated, altered, or modified pursuant to subrule (1) of this rule and a new permit to install authorizing the action is approved by the department.~~

~~(ii) The process or process equipment is physically removed from the stationary source or there is a determination by the department that the process or process equipment has been rendered inoperable.~~

(a) A NEW PERMIT TO INSTALL AUTHORIZING THE ACTION IS APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH SUBRULE (2)(a), (b), OR (d) OF THIS RULE.

(b) ALL TERMS AND CONDITIONS OF THE PERMIT TO INSTALL ARE INCORPORATED INTO A RENEWABLE OPERATING PERMIT, IN ACCORDANCE WITH THE PROVISIONS OF R 336.1212(5) AND R 336.1213, AND A SOURCE-WIDE PERMIT TO INSTALL IS ISSUED PURSUANT TO R 336.1214a.

(c) ALL OF THE EMISSION UNITS, PROCESSES, OR PROCESS EQUIPMENT COVERED BY THE PERMIT TO INSTALL ARE PHYSICALLY REMOVED FROM THE STATIONARY SOURCE OR THE DEPARTMENT MAKES A DETERMINATION THAT THE EMISSION UNITS, PROCESSES, OR PROCESS EQUIPMENT COVERED BY THE PERMIT TO INSTALL HAVE BEEN PERMANENTLY SHUT DOWN.

~~(7) The department may require as a condition of a permit to install—1 or both of the following notification requirements AS A CONDITION OF A PERMIT TO INSTALL:~~

~~(a) Not more than 30 days after completion of the installation, construction, reconstruction, relocation, alteration, or modification authorized by the permit to install, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R336.1204, shall notify the department, in writing, of the completion of the activity. Completion of the installation, construction, reconstruction, relocation, alteration, or modification is considered to occur not later than commencement of trial operation of the process or process equipment.~~

~~(b) Within 18-12 months after completion of the installation, construction, reconstruction, relocation, alteration, or modification authorized by the permit to install, or 18 months after the effective date of this rule, whichever is later, unless a different period is specified in the permit to install, the person to whom the permit to install was issued, or the authorized agent pursuant to R 336.1204, shall notify the department, in writing, of the status of compliance of the process or process equipment with the terms and conditions of the permit to install. The notification shall include all of the following:~~

~~(i) The results of all testing, monitoring, and recordkeeping performed by the stationary source to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.~~

~~(ii) A schedule of compliance for the process or process equipment.~~

~~(iii) A statement, signed by the person owning or operating the process or process equipment, that, based on information and belief formed after reasonable inquiry, the statements and information in the notification are true, accurate, and complete.~~

(8) If evidence indicates that the process or process equipment is not performing in accordance with the terms and conditions of the permit to install, the department, after notice and opportunity for a hearing, may revoke the permit to install consistent with section 5510 of the act. Upon revocation of the permit to install, operation of the process or process equipment shall be terminated. Revocation of a permit to install is without prejudice and a person may file a new application for a permit to install that addresses the reasons for the revocation.

R 336.1201a General permits to install.

Rule 201a. (1) The department may, after notice and opportunity for public participation pursuant to section 5511(3) of the act, issue a general permit to install covering numerous similar stationary sources, ~~processes, or process equipment~~ OR EMISSION UNITS. A general permit to install shall include terms and conditions which are necessary to assure that the stationary source, ~~process, or process equipment~~ OR EMISSION UNIT will comply with all applicable requirements and shall be consistent with the permit content requirements of R 336.1205(1)(a). The general permit to install shall also identify criteria by which a stationary source, ~~process, or process equipment~~ OR EMISSION UNIT may qualify for the general permit to install. The department shall grant the terms and conditions of the general permit to install to stationary sources, ~~processes, or process equipment~~ OR EMISSION UNITS that ~~qualifies~~ QUALIFY within 30 days of receipt by the department of a complete application. ~~A person who owns or operates a stationary source, process, or process equipment~~ AN APPLICANT shall be subject to enforcement action if the department later determines THAT the stationary source, ~~process, or process equipment~~ OR EMISSION UNIT does not qualify for the general permit to install.

(2) A person who owns or operates a stationary source, ~~process or process equipment~~ OR EMISSION UNIT that would qualify for a general permit to install issued by the department pursuant to subrule (1) of this rule shall apply to the department for coverage under the terms of the general permit to install or ~~shall~~ MAY apply for a permit to install consistent with R 336.1201. The department may require the use of application forms designed for use with a specific general permit to install issued by the department. The application forms shall include all information necessary to determine qualification for, and to assure compliance with, the general permit to install. Without repeating the public participation process pursuant to subrule (1) of this rule, the department may grant a request by a person for authorization to install and operate a stationary source, ~~process, or process equipment~~ OR EMISSION UNIT pursuant to a general permit to install.

(3) The department shall maintain, and make available to the public upon request, a list of the persons that have been authorized to install and operate a stationary source, ~~process, or process equipment~~ OR EMISSION UNIT pursuant to each general permit to install issued by the department.

R 336.1202 Waivers of approval.

Rule 202. (1) If the requirement for approval of a permit to install ~~prior to~~ BEFORE construction will create an undue hardship to the applicant, the applicant may request a waiver to proceed with construction from the ~~commission~~ DEPARTMENT. The application for a waiver shall be in writing, shall explain the circumstances that will cause the undue hardship, and shall be signed by the owner or his OR HER authorized agent. The application shall be acted upon by the ~~commission~~ DEPARTMENT within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, shall proceed with the construction at his OR HER own risk; however, ~~no~~ operation OF THE EQUIPMENT shall NOT be authorized until the application for a permit to install has been approved by the ~~commission~~ DEPARTMENT. After construction, modification, relocation, or installation has begun or been completed, if the plans, specifications, and completed installations do not meet ~~commission~~ DEPARTMENT approval, THEN the application for a permit to install shall be denied, unless the alterations required to effect approval are made within a reasonable time as specified by the ~~commission~~ DEPARTMENT.

(2) THE PROVISIONS OF SUBRULE (1) OF THIS RULE SHALL NOT APPLY TO ANY OF THE FOLLOWING:

(a) ANY ACTIVITY THAT, EITHER BY ITSELF OR IN CONJUNCTION WITH OTHER CONCURRENT OR RELATED ACTIVITIES, IS SUBJECT TO 40 C.F.R. §52.21, PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS, OR R 336.1220, NONATTAINMENT NEW SOURCE REVIEW REGULATIONS.

(b) CONSTRUCTION OR RECONSTRUCTION OF A MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS AS DEFINED IN AND SUBJECT TO, NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES.

(c) CONSTRUCTION OR MODIFICATION AS DEFINED IN AND SUBJECT TO 40 C.F.R. PART 61, NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS.

R 336.1203 Information required.

Rule 203. (1) An application for a permit to install shall include information required by the ~~commission~~ DEPARTMENT on the application form or by written notice. If considered by the ~~commission~~ DEPARTMENT to be pertinent to evaluation of the equipment for which a permit is sought, the information shall include, but is not necessarily limited to, ALL OF the following:

(a) ~~The expected composition of air contaminant stream, both before and after installation of an air cleaning device, including emission rate, concentration, exhaust gas volume, and exhaust gas temperature.~~ A COMPLETE DESCRIPTION, IN APPROPRIATE DETAIL, OF EACH EMISSION UNIT OR PROCESS COVERED BY THE APPLICATION. THE DESCRIPTION SHALL INCLUDE THE SIZE AND TYPE ALONG WITH THE MAKE AND MODEL, IF KNOWN, OF THE PROPOSED PROCESS EQUIPMENT, INCLUDING ANY AIR POLLUTION CONTROL EQUIPMENT. THE DESCRIPTION SHALL ALSO SPECIFY THE PROPOSED OPERATING SCHEDULE OF THE EQUIPMENT, PROVIDE DETAILS OF THE TYPE AND FEED RATE OF MATERIAL USED IN THE PROCESS, AND PROVIDE THE CAPTURE AND REMOVAL EFFICIENCY OF ANY AIR POLLUTION CONTROL DEVICES. APPLICATIONS FOR COMPLEX OR MULTIPLE PROCESSES SHALL ALSO INCLUDE A BLOCK DIAGRAM SHOWING THE FLOW OF MATERIALS AND INTERMEDIATE AND FINAL PRODUCTS.

(b) ~~The expected physical and chemical characteristics of air contaminants.~~ A DESCRIPTION OF ANY FEDERAL, STATE, OR LOCAL AIR POLLUTION CONTROL REGULATIONS WHICH THE APPLICANT BELIEVES ARE APPLICABLE TO THE PROPOSED PROCESS EQUIPMENT, INCLUDING A PROPOSED METHOD OF COMPLYING WITH THE REGULATIONS.

(c) ~~Details of air pollution control measures and air cleaning devices, if any, including a description, design parameters, and anticipated performance.~~ A DESCRIPTION IN APPROPRIATE DETAIL OF THE NATURE, CONCENTRATION, PARTICLE SIZE, PRESSURE, TEMPERATURE, AND THE UNCONTROLLED AND CONTROLLED QUANTITY OF ALL AIR EMISSIONS, INCLUDING TOXIC AIR CONTAMINANTS, THAT ARE REASONABLY ANTICIPATED DUE TO THE OPERATION OF THE PROPOSED PROCESS EQUIPMENT.

(d) ~~The location and elevation of the emission point and other factors relating to dispersion and diffusion of the contaminant in the outer air; the relation of the emission point to nearby structures and window openings; and other information necessary to appraise the possible effects of the air contaminant.~~ A DESCRIPTION OF HOW THE AIR CONTAMINANT EMISSIONS FROM THE PROPOSED PROCESS EQUIPMENT WILL BE CONTROLLED OR OTHERWISE MINIMIZED.

(e) ~~The method of disposal of wastes resulting from operation of the process equipment or air cleaning devices.~~ A DESCRIPTION OF EACH STACK OR VENT RELATED TO THE PROPOSED PROCESS EQUIPMENT, INCLUDING THE MINIMUM ANTICIPATED HEIGHT ABOVE GROUND, MAXIMUM ANTICIPATED INTERNAL DIMENSIONS, DISCHARGE ORIENTATION, EXHAUST VOLUME FLOW RATE, EXHAUST GAS TEMPERATURE, AND RAIN PROTECTION DEVICE, IF ANY.

(f) ~~A plan for reduction of emissions during air pollution alerts, warnings, and emergencies as required by subrule (1) of rule 1307.~~ SCALE DRAWINGS SHOWING A PLAN VIEW OF THE OWNER'S PROPERTY TO THE PROPERTY LINES AND THE LOCATION OF THE PROPOSED EQUIPMENT. THE DRAWINGS SHALL INCLUDE THE HEIGHT AND OUTLINE OF ALL STRUCTURES WITHIN 150 FEET OF THE PROPOSED EQUIPMENT AND SHOW ANY FENCE LINES. ALL STACKS OR OTHER EMISSION POINTS RELATED TO THE PROPOSED EQUIPMENT SHALL ALSO BE SHOWN ON THE DRAWINGS.

(g) Information, in a form prescribed by the ~~commission~~ DEPARTMENT, that is necessary for the preparation of an environmental impact statement if, in the judgment of the ~~commission~~ DEPARTMENT, the equipment for which a permit is sought may have a significant effect on the environment.

(h) ~~Data demonstrating the effect of the air contaminant emissions on human health and the environment.~~ THAT THE EMISSIONS FROM THE PROCESS WILL NOT HAVE AN UNACCEPTABLE AIR QUALITY IMPACT IN RELATION TO ALL FEDERAL, STATE, AND LOCAL AIR QUALITY STANDARDS.

(2) THE DEPARTMENT MAY REQUIRE ADDITIONAL INFORMATION NECESSARY TO EVALUATE OR TAKE ACTION ON THE APPLICATION. THE APPLICANT SHALL FURNISH ALL ADDITIONAL INFORMATION, WITHIN 30 DAYS OF A WRITTEN REQUEST BY THE DEPARTMENT, EXCEPT AS PROVIDED BY THE FOLLOWING PROVISIONS:

(a) THE APPLICANT MAY REQUEST A LONGER PERIOD OF TIME, IN WRITING, SPECIFYING THE REASON WHY 30 DAYS WAS NOT REASONABLE FOR SUBMITTING THE INFORMATION.

(b) THE DEPARTMENT MAY PROVIDE WRITTEN NOTICE TO THE APPLICANT OF AN ALTERNATE TIME PERIOD FOR THE SUBMITTAL, EITHER AS PART OF THE ORIGINAL REQUEST OR UPON THE GRANTING OF AN EXTENSION REQUESTED BY THE APPLICANT.

(3) AN APPLICANT MAY REFERENCE A PERMIT APPLICATION PREVIOUSLY SUBMITTED TO THE DEPARTMENT FOR THE PURPOSE OF SUPPLYING A PORTION OF THE INFORMATION REQUIRED BY THIS RULE. ANY REFERENCE TO A PREVIOUSLY SUBMITTED PERMIT APPLICATION SHALL CLEARLY IDENTIFY THE PERMIT APPLICATION NUMBER ASSIGNED TO THE PREVIOUS APPLICATION BY THE DEPARTMENT.

R 336.1204 Authority of agents.

Rule 204. When a person files ~~plans and specifications~~ AN APPLICATION FOR A PERMIT TO INSTALL as the agent of an ~~owner~~ APPLICANT, the ~~owner~~ APPLICANT shall furnish the ~~agent~~ DEPARTMENT with a ~~letter of~~ WRITTEN authorization for THE filing of the ~~plans and specifications, and this letter shall be submitted with the plans and specifications~~ APPLICATION. THE AUTHORIZATION SHALL INDICATE IF THE APPLICANT INTENDS THAT THE DEPARTMENT CONTACT THE AGENT DIRECTLY WITH QUESTIONS REGARDING THE APPLICATION AND ALSO INDICATE IF THE AGENT IS AUTHORIZED TO NEGOTIATE THE TERMS AND CONDITIONS OF THE PERMIT TO INSTALL.

R 336.1205 Permit to install; approval.

Rule 205. (1) The department shall not approve a permit to install for a stationary source, process, or process equipment that meets the definition of a major offset source, major offset modification, or a major source or modification under any applicable requirement of part C of title I of the clean air act unless the requirements specified in subdivisions (a) and (b) of this subrule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit FROM a stationary source, process, or process equipment to a quantity below that which would constitute a major offset source, major offset modification, or a major source or modification under any applicable requirement of part C of title I of the clean air act unless both of the following requirements have been met:

(a) The permit to install contains emission limits that are enforceable as a practical matter. An emission limit restricts the amount of an air contaminant that may be emitted over some time period. The time period shall be set in accordance with the applicable requirements and, unless a different time period is provided by the applicable requirement, should generally not be more than 1 month, unless a longer time period is approved by the department. A longer time period may be used if it is a rolling time period, but shall not be more than an annual time period rolled on a monthly basis. If the emission limit does not reflect the maximum emissions of the process or process equipment operating at full design capacity without air pollution control equipment, then the permit shall contain ~~either~~ ANY of the following:

(i) A production limit which restricts the amount of final product that may be produced over the same time period used in the emission limit and which comports with the true design and intended operation of the process or process equipment.

(ii) An operational limit which restricts the way the process or process equipment is operated and which comports with the true design and intended operation of the process or process equipment. An operational limit may include conditions specifying any of the following:

(A) The installation, operation, and maintenance of air pollution control equipment.

(B) The hours of operation of the stationary source, process, or process equipment, if the hours are less than continuous.

(C) The amount or type of raw materials used by the stationary source, process, or process equipment.

(D) The amount or type of fuel combusted by the stationary source, process, or process equipment.

(E) The installation, operation, and maintenance of a continuous gas flow meter and a continuous emission monitor for the air contaminant for which an enforceable emission limit is required.

(iii) FOR VOLATILE ORGANIC COMPOUND SURFACE COATING OPERATIONS WHERE AN ADD-ON CONTROL IS NOT EMPLOYED, AN EMISSION OR USAGE LIMIT COUPLED WITH A REQUIREMENT TO CALCULATE OR DEMONSTRATE DAILY COMPLIANCE.

(b) A draft permit has been subjected to the public participation process specified in section 5511(3) of the act. The department shall provide a copy of the draft permit to the United States environmental protection agency for review and comment at or before the start of the public comment period. The department shall also provide a copy of each final permit to install issued pursuant to this rule to the United States environmental protection agency.

(2) The department shall not approve a permit to install to construct a major source or reconstruct a major source under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met. In addition, except as provided in subrule (3) of this rule, the department shall not approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major source or modification under any applicable requirement of section 112 of the clean air act unless the requirements of subrule (1)(a) and (b) of this rule have been met.

(3) The department may approve a permit to install that includes limitations which restrict the potential to emit of a stationary source, process, or process equipment to a quantity below that which would constitute a major offset source, major offset modification, or a major source or modification under any applicable requirement of section 112 or part C of title I of the clean air act without meeting the requirement of subrule (1)(b) of this rule if the emission limitations restrict the potential to emit of the stationary source, process, or process equipment to less than 90% of the quantity referenced in the applicable requirement.

(4) AT SUCH TIME THAT A PARTICULAR SOURCE OR MODIFICATION BECOMES A MAJOR OFFSET SOURCE, MAJOR OFFSET MODIFICATION, OR A MAJOR SOURCE OR MODIFICATION UNDER ANY APPLICABLE REQUIREMENT OF PART C OF TITLE I OF THE CLEAN AIR ACT SOLELY BY VIRTUE OF A RELAXATION IN ANY PERMIT LIMITATION ESTABLISHED ON POTENTIAL TO EMIT A POLLUTANT, SUCH AS A RESTRICTION ON HOURS OF OPERATION, THEN THE REQUIREMENTS OF R336.1201 AND R 336.1220 SHALL APPLY TO THE SOURCE OR MODIFICATION AS THOUGH CONSTRUCTION HAD NOT YET COMMENCED.

R 336.1206 Processing of applications for other facilities PERMITS TO INSTALL.

Rule 206. (1) ~~The commission-DEPARTMENT shall notify the applicant in writing of approval, conditional approval, or denial of an application for a permit to install within 60 days after receipt of the application and information required by rule 203. A copy of a permit approval or denial shall be furnished to the appropriate air pollution control authorities.~~ REVIEW AN APPLICATION FOR A PERMIT TO INSTALL FOR ADMINISTRATIVE COMPLETENESS PURSUANT TO R336.1203(1) WITHIN 10 DAYS OF ITS RECEIPT BY THE DEPARTMENT. THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING REGARDING THE RECEIPT AND COMPLETENESS OF THE APPLICATION.

(2) ~~When delays will cause undue hardship to an applicant or materially handicap his need for proceeding promptly with the proposed installation, modification, or relocation, a request for priority consideration and the justification therefor shall be submitted. When a priority is granted, the application, if practicable, shall be processed within 15 days after receipt of the request for priority.~~ EXCEPT FOR PERMIT TO INSTALL APPLICATIONS SUBJECT TO A PUBLIC COMMENT PERIOD PURSUANT TO R336.1205(1)(b) OR SECTION 5511(3) OF THE ACT, THE DEPARTMENT SHALL TAKE FINAL ACTION TO APPROVE OR DENY A PERMIT WITHIN 60 DAYS OF RECEIPT OF ALL INFORMATION REQUIRED PURSUANT TO R 336.1203(1) AND 2). THE DEPARTMENT SHALL TAKE FINAL ACTION TO APPROVE OR DENY A PERMIT TO INSTALL SUBJECT TO A PUBLIC COMMENT PERIOD PURSUANT TO R 336.1205(1)(b) OR SECTION 5511(3) OF THE ACT WITHIN 120 DAYS OF RECEIPT OF ALL INFORMATION REQUIRED PURSUANT TO R336.1203(1) AND (2). FOR THE PURPOSE OF THIS SUBRULE, THE TIME BETWEEN WHEN THE DEPARTMENT REQUESTS ADDITIONAL INFORMATION FROM AN APPLICANT AND WHEN THE APPLICANT ACTUALLY PROVIDES THAT INFORMATION SHALL NOT BE INCLUDED IN THE 60-DAY AND 120-DAY TIME FRAMES FOR FINAL ACTION BY THE DEPARTMENT. THE FAILURE OF THE DEPARTMENT TO ACT ON AN APPLICATION THAT INCLUDES ALL THE INFORMATION REQUIRED PURSUANT TO R 336.1203(1) AND (2) WITHIN THE TIME FRAMES SPECIFIED IN THIS SUBRULE MAY BE CONSIDERED A FINAL PERMIT ACTION SOLELY FOR THE PURPOSE OF OBTAINING JUDICIAL REVIEW IN A COURT OF COMPETENT JURISDICTION TO REQUIRE THAT ACTION BE TAKEN BY THE DEPARTMENT WITHOUT ADDITIONAL DELAY.

R 336.1207 Denial of permits to install.

Rule 207. (1) The ~~commission~~ DEPARTMENT shall deny an application for a permit to install if, in the judgment of the ~~commission~~ DEPARTMENT, any of the following conditions exist:

- (a) The equipment for which the permit is sought will not operate in compliance with the rules of the ~~commission~~ DEPARTMENT or state law.
 - (b) Operation of the equipment for which the permit is sought will interfere with the attainment or maintenance of the air quality standard for any air contaminant.
 - (c) The equipment for which the permit is sought will violate the ~~provisions~~ APPLICABLE REQUIREMENTS of the clean air act, as amended, 42 U.S.C. §7401 et seq., and particularly ~~the rules promulgated on and before September 1, 1978, in standards of performance for new stationary sources, 40 C.F.R. §60.1 to §60.275 (July 1, 1978), and national emission standards for hazardous air pollutants, 40 C.F.R. §61.01 to §61.55 (July 1, 1978).~~ ANY OF THE FOLLOWING:
 - (i) THE STANDARDS OF PERFORMANCE FOR STATIONARY SOURCES, 40 C.F.R. PART 60.
 - (ii) THE NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS, 40 C.F.R. PART 61.
 - (iii) THE REQUIREMENTS OF PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY, 40 C.F.R. §52.21.
 - (iv) THE REQUIREMENTS FOR CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH 40 C.F.R. §63.40 TO §63.44 AND §63.50 TO §63.56, ADOPTED BY REFERENCE IN R 336.1299(e).
 - (d) Sufficient information has not been submitted by the applicant to enable the ~~commission~~ DEPARTMENT to make reasonable judgments as required by subdivisions (a) to (c) OF THIS SUBRULE.
 - ~~(e) Adequate requested information for preparation of an environmental impact statement is not submitted.~~
 - ~~(f) A satisfactory plan for reduction of emissions during air pollution alerts, warnings, and emergencies, as required by rule 203, is not submitted.~~
- (2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing ~~before the commission~~ PURSUANT TO SECTION 5505(8) OF THE ACT or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

R 336.1212 Administratively complete applications; insignificant activities; streamlining applicable requirements; emissions reporting and fee calculations.

Rule 121. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of ~~subrule (2) of R 336.1210(2)~~ and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

- (a) Repair and maintenance of grounds and structures.
- (b) All activities and changes pursuant to R 336.1285(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by ~~such~~ THE change, then application shall be made to revise the permit pursuant to R 336.1216.
- (c) All activities and changes pursuant to R 336.1287(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by ~~such~~ THE change, then application shall be made to revise the permit pursuant to R 336.1216.
- (d) Use of office supplies.

- (e) Use of housekeeping and janitorial supplies.
- (f) Sanitary plumbing and associated stacks or vents.
- (g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.
- (h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.
- (i) Fire protection equipment, fire fighting and training in preparation for fighting fires. Prior approval by the department for open burning associated with training in preparation for fighting fires is required pursuant to R 336.1310.
- (j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.
- (k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).
- (l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.
- (3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process-specific emission limitation or standard:
 - (a) All cooling and ventilation equipment listed in R 336.1280.
 - (b) Cleaning, washing, and drying equipment listed in R 336.1281(a) to (f) and (i).
 - (c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(a).
 - (d) All other equipment listed in R 336.1283.
 - (e) Containers listed in R 336.1284(a), (c), (d), (h), and (j) to (m).
 - (f) Miscellaneous equipment listed in R 336.1285(h) to (p), (r) to (t), ~~and~~ (v) to (ii), (kk), AND (ll) except for externally vented equipment listed in R 336.1285(l)(vi).
 - (g) All plastic processing equipment listed in R 336.1286.
 - (h) Surface coating equipment listed in R 336.1287(b), (d), (e), (i), (j), and (k).
 - (i) All oil and gas processing equipment listed in R 336.1288.
 - (j) ~~All~~ Asphalt and concrete production equipment listed in R 336.1289(a) TO (c).
- (4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. ~~This~~ THE list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code (SCC), and a reference to the subdivision of this subrule that identifies the process or process equipment:
 - (a) Cleaning, washing, and drying equipment listed in R 336.1281(g), ~~and~~ (h), AND (j).
 - (b) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282.
 - (c) Containers listed in R 336.1284(b), (e), (f), (g), and (i).

- (d) Miscellaneous process or process equipment listed in R 336.1285(g), (q), ~~and~~ (u), AND (jj) and externally vented process equipment listed in R 336.1285(l)(vi).
- (e) Surface-coating equipment listed in R 336.1287(a) and (c).
- (f) CONCRETE BATCH PRODUCTION EQUIPMENT LISTED IN R 336.1289(d).
- ~~(g)~~ (g) Process or process equipment which has limited emissions and which is listed in R 336.1290.
- (5) As a part of an application for a renewable operating permit, a person may seek to establish that certain terms or conditions of a permit to install, permit to operate, or order entered pursuant to the act are not appropriate to be incorporated into the renewable operating permit or should be modified to provide for consolidation or clarification of the applicable requirements. An application for a renewable operating permit may include information necessary to demonstrate any of the following:
 - (a) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act is no longer an applicable requirement.
 - (b) That a term or condition of a permit to install, permit to operate, or order entered pursuant to the act should be modified to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the modification results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.
 - (c) That the equipment should be combined into emission units different from the emission units contained in a permit to install, permit to operate, or order entered pursuant to the act to provide for consolidation or clarification of the applicable requirement. A person shall demonstrate that the realignment of the emission units results in enforceable applicable requirements which are equivalent to the applicable requirements contained in the original permit or order and that the equivalent requirements do not violate any other applicable requirement.
- (6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for calendar year 1995, or the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), whichever is later, each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department. For the purpose of this subrule, "regulated air pollutant" means all of the following:
 - (a) Nitrogen oxides or any volatile organic compound.
 - (b) A pollutant for which a national ambient air quality standard has been promulgated under the clean air act.
 - (c) A pollutant that is subject to any standard promulgated under section 111 of the clean air act.
 - (d) A class I or II substance that is subject to a standard promulgated under or established by title VI of the clean air act.
 - (e) A pollutant that is subject to a standard promulgated under section 112 or other requirements established under section 112 of the clean air act, except for pollutants regulated solely pursuant to section 112(r) of the clean air act. Pollutants subject to a standard promulgated or other requirements established under section 112 of the clean air act include both of the following:
 - (i) A pollutant that is subject to requirements under section 112(j) of the clean air act. If the administrator of the United States environmental protection agency fails to promulgate a standard by the date established pursuant to section 112(e) of the clean air act, any pollutant for which a stationary source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the clean air act.
 - (ii) A pollutant for which the requirements of section 112(g)(2) of the clean air act have been met, but only with respect to the specific stationary source that is subject to the section 112(g)(2) requirement.

(7) For the purpose of calculating the annual air quality fee pursuant to section 5522 of the act, the actual emissions of a fee-subject air pollutant from all process or process equipment shall be determined. However, the actual emissions of a fee-subject air pollutant from process or process equipment listed pursuant to subrules (2) to (4) of this rule need not be calculated unless either of the following ~~are~~ PROVISIONS IS met:

- (a) The process or process equipment is subject to a process-specific emission limitation or standard for the specific fee-subject air pollutant.
- (b) The actual emissions from the process or process equipment exceed 10% of significant, as defined in R 336.1119(e), for that air pollutant.

R 336.1214a CONSOLIDATION OF PERMITS TO INSTALL WITHIN A RENEWABLE OPERATING PERMIT.

RULE 214a. (1) THE DEPARTMENT SHALL ISSUE A SOURCE-WIDE PERMIT TO INSTALL CONCURRENT WITH THE ISSUANCE OF A RENEWABLE OPERATING PERMIT PURSUANT TO R 336.1214. THE SOURCE-WIDE PERMIT TO INSTALL SHALL BE CONTAINED IN THE SAME DOCUMENT AS THE RENEWABLE OPERATING PERMIT. THE SOURCE-WIDE PERMIT TO INSTALL SHALL SPECIFICALLY IDENTIFY, CONSOLIDATE, AND INCORPORATE ALL FEDERALLY ENFORCEABLE TERMS AND CONDITIONS OF EXISTING PERMITS TO INSTALL INTO THE RENEWABLE OPERATING PERMIT IN ACCORDANCE WITH THE PROVISIONS OF R 336.1212(5) AND THE PERMIT CONTENT REQUIREMENTS OF R 336.1213.

(2) THE SOURCE-WIDE PERMIT TO INSTALL IS UPDATED WHENEVER A NEW PROCESS-SPECIFIC PERMIT TO INSTALL IS INCORPORATED INTO THE RENEWABLE OPERATING PERMIT IN ACCORDANCE WITH THE PROVISIONS OF R 336.1216.

(3) BOTH OF THE FOLLOWING PROVISIONS APPLY TO THE INCORPORATION OF TERMS AND CONDITIONS OF A PERMIT TO INSTALL INTO A RENEWABLE OPERATING PERMIT:

(a) WITHIN THE RENEWABLE OPERATING PERMIT, EACH FEDERALLY ENFORCEABLE TERM OR CONDITION THAT ORIGINATED IN A PERMIT TO INSTALL SHALL BE SPECIFICALLY IDENTIFIED WITH AN APPLICABLE REQUIREMENT CITATION OF R 336.1201(1)(a). THIS CITATION IS IN ADDITION TO THE R 336.1213(2)(a) UNDERLYING APPLICABLE REQUIREMENT CITATION. EACH TERM OR CONDITION OF THE RENEWABLE OPERATING PERMIT WITH AN APPLICABLE REQUIREMENT CITATION OF R 336.1201(1)(a) SHALL BE CONSIDERED A TERM OR CONDITION OF THE SOURCE-WIDE PERMIT TO INSTALL ISSUED PURSUANT TO THIS RULE.

(b) A FEDERALLY ENFORCEABLE TERM OR CONDITION OF A RENEWABLE OPERATING PERMIT SHALL BE CONSIDERED A TERM OR CONDITION OF THE SOURCE-WIDE PERMIT TO INSTALL ISSUED PURSUANT TO THIS RULE, IF IT CAN BE REASONABLY DEMONSTRATED THAT THE FEDERALLY ENFORCEABLE TERM OR CONDITION ORIGINATED IN A PERMIT TO INSTALL ISSUED PURSUANT TO R 336.1201. EACH TERM OR CONDITION IN A RENEWABLE OPERATING PERMIT ISSUED BEFORE THE EFFECTIVE DATE OF THIS RULE WITH ANY OF THE FOLLOWING UNDERLYING APPLICABLE REQUIREMENTS, IDENTIFIED PURSUANT TO R 336.1213(2)(a), SHALL BE CONSIDERED A TERM OR CONDITION OF THE SOURCE-WIDE PERMIT TO INSTALL ISSUED PURSUANT TO THIS RULE:

- (i) R 336.1201, R 336.1201a, R 336.1220, AND R 336.1299(e).
- (ii) TITLE 40 C.F.R. §63.40 THROUGH §63.44.
- (iii) R 336.1301(1)(c), R 336.1301(4), AND R 336.1331(1)(c).
- (iv) R 336.1401(1)(b) AND R 336.1403(4).

(v) R 336.1702, R 336.1705, R 336.1706, R 336.1708, R 336.1709, AND R 336.1710.

(vi) R 336.2415.

(vii) TITLE 40 C.F.R. §52.21.

(4) THE SOURCE-WIDE PERMIT TO INSTALL REPLACES ALL EXISTING PERMITS TO INSTALL, IN ACCORDANCE WITH R 336.1201(6)(b). ALTHOUGH THE SOURCE-WIDE PERMIT TO INSTALL AND THE RENEWABLE OPERATING PERMIT ARE CONTAINED IN THE SAME DOCUMENT, THE SOURCE-WIDE PERMIT TO INSTALL MAINTAINS ITS OWN AUTHORITY UNDER SECTION 5505 OF THE ACT. IF THE RENEWABLE OPERATING PERMIT EXPIRES OR IS VOIDED, THE SOURCE-WIDE PERMIT TO INSTALL REMAINS IN EFFECT, UNLESS THE CRITERIA OF R 336.1201 (6)(a) OR (6)(c) ARE MET.

(5) STATE-ONLY ENFORCEABLE TERMS AND CONDITIONS FROM A PERMIT TO INSTALL THAT HAVE BEEN INCORPORATED INTO A RENEWABLE OPERATING PERMIT SHALL BE CONSIDERED TERMS AND CONDITIONS OF A STATE-ONLY ENFORCEABLE PERMIT TO INSTALL ESTABLISHED PURSUANT TO R 336.1201(2)(d). IF THE RENEWABLE OPERATING PERMIT LATER EXPIRES OR IS VOIDED, THE STATE-ONLY ENFORCEABLE PERMIT TO INSTALL DOES NOT EXPIRE, NOR IS IT VOIDED, UNLESS THE CRITERIA OF R 336.1201(6)(a) OR (c) ARE MET.

(6) NOTHING IN THIS RULE SHALL RELIEVE THE REQUIREMENT TO OBTAIN A PERMIT TO INSTALL PURSUANT TO R 336.1201(1) FOR NEWLY CONSTRUCTED, MODIFIED, RECONSTRUCTED, OR RELOCATED PROCESS OR PROCESS EQUIPMENT THAT EMITS AN AIR CONTAMINANT.

R 336.1216 Modifications to renewable operating permits.

Rule 216. (1) All of the following provisions apply to administrative permit amendments:

(a) An administrative permit amendment is a modification to a renewable operating permit that involves any of the following:

(i) A change that corrects typographical errors.

(ii) A change in the name, address, or phone number of the responsible official or other contact person identified in the application for the renewable operating permit or a similar minor administrative change at the stationary source.

(iii) A change that provides for more frequent monitoring or reporting.

(iv) A change in the ownership or operational control of a stationary source where the department determines that no other change in the permit is necessary, if a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new persons owning or operating the stationary source has been submitted to the department. The new person owning or operating the stationary source shall also notify the department of any change in the responsible official or contact person regarding the renewable operating permit.

(v) A change that incorporates into the renewable operating permit the terms and conditions of a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirements contained in R 336.1213, the procedure used to issue the permit to install was substantially equivalent to the requirements of R 336.1214(3) and (4) regarding public participation and review by affected states, the process or process equipment is in compliance with, and no changes are required to, the terms and conditions of the permit to install that are to be incorporated into the renewable operating permit, and both of the following have occurred:

(A) A person has notified the department, in writing, within 30 days after completion of the installation, construction, reconstruction, relocation, or modification of the process or process equipment covered by the permit to install, unless a different time frame is specified by an applicable requirement and required by the permit to install.

(B) Upon completion of all testing, monitoring, and recordkeeping required by the terms and conditions of the permit to install, but not later than 12 months after the date of completion reported in subparagraph (A) of this paragraph unless a different time frame is specified in the permit to install, a person has requested that the contents of the permit to install be incorporated into the renewable operating permit as an administrative permit amendment. The request shall include all of the following:

(1) The results of all testing, monitoring, and recordkeeping performed by the person to determine the actual emissions from the process or process equipment and to demonstrate compliance with the terms and conditions of the permit to install.

(2) A schedule of compliance for the process or process equipment.

(3) A certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the request are true, accurate, and complete.

(b) An administrative permit amendment, for changes identified in subdivision (a)(i) to (iv) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) The department shall take final action to approve or deny the request for an administrative permit amendment within 60 days of the receipt of the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the renewable operating permit without providing notice to the public or affected states. The change shall be clearly designated as an administrative permit amendment.

(ii) Upon approval, the department shall transmit a copy of the administrative permit amendment to the person that requested the amendment and the United States environmental protection agency.

(iii) A person may implement the changes identified in the request for an administrative permit amendment, at the person's own risk, immediately upon submittal of the request to the department. AFTER THE CHANGE HAS BEEN MADE, AND UNTIL THE DEPARTMENT TAKES FINAL ACTION AS SPECIFIED IN PARAGRAPH (i) OF THIS SUBDIVISION, A PERSON SHALL COMPLY WITH BOTH OF THE APPLICABLE REQUIREMENTS GOVERNING THE CHANGE AND THE PERMIT TERMS AND CONDITIONS PROPOSED IN THE APPLICATION FOR THE ADMINISTRATIVE AMENDMENT. IF A PERSON FAILS TO COMPLY WITH THE PERMIT TERMS AND CONDITIONS PROPOSED IN THE APPLICATION FOR THE ADMINISTRATIVE AMENDMENT DURING THIS TIME PERIOD, THE TERMS AND CONDITIONS CONTAINED IN THE RENEWABLE OPERATING PERMIT ARE ENFORCEABLE.

(iv) The permit shield provided under R 336.1213(6) does not ~~apply to the changes until the changes have been approved by the department.~~ EXTEND TO ADMINISTRATIVE AMENDMENTS MADE PURSUANT TO SUBDIVISION (a)(i) TO (iv) OF THIS SUBRULE.

(c) An administrative permit amendment, for changes identified in subdivision (a)(v) of this subrule, shall be reviewed and final action taken according to the following procedure:

(i) Within 60 days after receipt by the department of all the information required pursuant to subdivision (a)(v)(B) of this subrule, the department shall determine whether the information provides an acceptable demonstration of compliance with the terms and conditions of the permit to install and shall transmit a copy of the information together with the determination and a proposed amended renewable operating permit to the United States environmental protection agency for a 45-day review period pursuant to 40 C.F.R. §70.8(c).

THE DEPARTMENT ADOPTS BY REFERENCE IN THESE RULES THE PROVISIONS OF 40 C.F.R. §70.8(C) (2002). A COPY OF 40 C.F.R. §70.8(C) (2002) MAY BE INSPECTED AT THE LANSING OFFICE OF THE AIR QUALITY DIVISIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY. COPIES OF 40 C.F.R. §70.8(C) (2002) MAY BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR QUALITY DIVISION, 525 WEST ALLEGAN STREET, P.O. BOX 30260, LANSING, MICHIGAN 48909-7760, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$26.00; FROM THE SUPERINTENDENT OF DOCUMENTS, P.O. BOX 371954, PITTSBURGH, PENNSYLVANIA 15250-7954, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$26.00; OR ON THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY INTERNET WEB SITE AT [HTTP://WWW.ACCESS.GPO.GOV](http://www.access.gpo.gov).

(ii) The department shall not take a final action to approve the administrative permit amendment if the administrator of the United States environmental protection agency objects to its approval, in writing, within 45 days of receipt by the United States environmental protection agency, of the information required in paragraph (i) of this subdivision. The department shall follow the procedure specified in 40 C.F.R. §70.8(c) in response to an objection by the administrator of the United States environmental protection agency.

(iii) A person may make the change authorized by the permit to install immediately after the permit to install has been approved by the department. After the change has been made, and until the department takes final action on the administrative permit amendment as specified in paragraph (ii) of this subdivision, the person shall comply with both the applicable requirements governing the change and the terms and conditions approved as a part of the permit to install. During this time period, the person may choose to not comply with the existing terms and conditions of the renewable operating permit that are modified by the permit to install. However, if the person fails to comply with the terms and conditions of the permit to install during this time period, the terms and conditions contained in the renewable operating permit are enforceable. The permit shield provided under R 336.1213(6) does not apply to the changes until the administrative permit amendment has been approved by the department.

(d) If the department denies the request for an administrative permit amendment, the department shall notify the person requesting the administrative permit amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an administrative permit amendment shall be pursuant to section 631 of ~~Act No. 236 of the Public Acts of 1961, as amended, being §1961 PA 236, MCL 600.631 of the Michigan Compiled Laws, and known as the revised judicature act.~~ The denial of an administrative permit amendment pursuant to subrule (1)(c) OF THIS RULE is not a revocation of the permit to install.

(2) All of the following provisions apply to minor permit modifications:

(a) A minor permit modification is a change to a renewable operating permit for which none of the following provisions apply:

(i) The change would violate any applicable requirement.

(ii) The change would significantly affect any existing monitoring, reporting, or recordkeeping requirements contained in the renewable operating permit.

(iii) The change would require or affect any of the following:

(A) A case-by-case determination of a federally enforceable emission limitation or other standard.

(B) For temporary sources, a source-specific determination of ambient impacts.

(C) A visibility or increment analysis.

(iv) The change would seek to establish or affect a federally enforceable term or condition in the renewable operating permit for which there is no corresponding underlying applicable requirement and that the stationary

source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Following are examples of the terms and conditions described in this paragraph:

(A) An emissions cap assumed to avoid classification as a modification under any applicable provision of title I of the clean air act.

(B) An alternative emissions limit adopted by the stationary source as part of an early reduction program pursuant to section 112(i)(5) of the clean air act.

(v) The change is defined as a major offset modification or a modification under any applicable requirement of section 111, section 112, or part C of title I of the clean air act.

A minor permit modification includes a change authorized by a permit to install issued pursuant to R 336.1201, if the permit to install includes terms and conditions that comply with the permit content requirement of R 336.1213 and none of the provisions of this subrule apply.

(b) An application requesting a minor permit modification shall contain reasonable responses to all requests for information in the minor permit modification application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the minor permit modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of minor permit modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(iv) Completed forms, supplied by the department, for the department to use to notify the United States environmental protection agency and any affected states.

(c) A minor permit modification shall be reviewed and final action taken according to the following procedure:

(i) Within 5 working days of receipt by the department of an application for a minor permit modification that meets the requirements of subdivision (b) of this subrule, the department shall notify the United States environmental protection agency and any affected states of the requested minor permit modification.

(ii) The department shall notify the administrator of the United States environmental protection agency and the affected state, in writing, of any refusal by the department to accept any recommendations for the minor permit modification that the affected state submitted to the department during the time period for review specified in paragraph (iii) of this subdivision and before final action has been taken on the minor permit modification. The notice shall include the department's reasons for not accepting any recommendation. The department is not required to accept recommendations that are not based on applicable requirements.

(iii) The department shall not issue a final minor permit modification until after the United States environmental protection agency's 45-day review period or until the United States environmental protection agency has notified the department that the agency will not object to issuance of the minor permit modification. Within 90 days of the department's receipt of an application for a minor permit modification, or 15 days after the end of the United States environmental protection agency's 45-day review period, whichever is later, the department shall take 1 of the following actions and notify, in writing, the person applying for the minor permit modification of that action:

(A) Approve the permit modification as proposed.

(B) Revise the draft minor permit modification, with the consent of the person applying for the minor permit modification, and transmit the revised draft minor permit modification to the United States environmental

protection agency. Transmittal of a revised draft minor permit modification to the United States environmental protection agency restarts the 45-day review period specified in this paragraph.

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures. The notification by the department shall specify why the request does not meet the criteria for a minor permit modification.

(D) Deny the permit modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a minor permit modification shall be pursuant to section 631 of Act No. 236 of the Public Acts of 1961, as amended, being §1961 PA 236, MCL 600.631 of the Michigan Compiled Laws, and known as the revised judicature act.

(d) A person may make the change proposed in the application for a minor permit modification, at the person's own risk, immediately after the department has received the application. After the change has been made, and until the department takes final action as specified in subdivision (c)(iii)(A) to (C) of this subrule, a person shall comply with both of the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, a person may choose to not comply with the existing permit terms and conditions that the application for a minor permit modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the minor permit modification during this time period, the terms and conditions contained in the renewable operating permit are enforceable.

(e) Notwithstanding the restrictions of subdivision (a) of this subrule, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the approaches have been approved by the administrator of the United States environmental protection agency as a part of Michigan's state implementation plan. The approaches shall identify the specific modifications that can be made using the minor permit modification procedures.

(f) The permit shield under R 336.1213(6) shall not extend to minor permit modifications.

(3) All of the following provisions apply to significant modifications:

(a) A significant modification is a modification to a renewable operating permit which is not an administrative permit amendment pursuant to subrule (1) of this rule, or is not a minor permit modification pursuant to subrule (2) of this rule, and which involves any of the following changes, unless the change is allowed under the terms and conditions of a permit to install that has been approved by the department pursuant to the requirements of subrule (1)(a)(v) of this rule:

(i) A modification under any applicable provision of title I of the clean air act.

(ii) Except as provided pursuant to subrule (1)(c)(iii) of this rule, any change that would result in emissions that exceed the emissions allowed under the renewable operating permit. The emissions allowed under the permit include any emission limitation, production limit, or operational limit, including a work practice standard, required by an applicable requirement, or any emission limitation, production limit, or operational limit, including a work practice standard, that establishes an emissions cap that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(iii) The change would significantly affect an existing monitoring, recordkeeping, or reporting requirement included in the renewable operating permit.

(iv) The change would require or modify a case-by-case determination of an emission limitation or other standard, a source-specific determination of ambient air impacts for temporary sources, or a visibility or increment analysis.

(v) The change would seek to establish or modify an emission limitation, standard, or other condition of the renewable operating permit that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject.

(b) An administratively complete application for a significant permit modification shall be limited to address only the process and process equipment that will be affected by the change.

(c) The terms and conditions of a significant permit modification shall meet all the permit content requirements of R 336.1213 for the process and process equipment affected by the change.

(d) The procedure for taking final action on significant permit modification shall follow the requirements of R 336.1214, except that final actions on significant permit modifications shall be taken within 9 months of the receipt by the department of an administratively complete application.

(e) If a significant permit modification is denied, the department shall notify, in writing, the person applying for the modification. The notification of denial shall specify the reasons for the denial. Any appeal of a denial by the department of a significant permit modification shall be pursuant to section 631 of ~~Act No. 236 of the Public Acts of 1961, as amended, being §1961 PA 236, MCL 600.631 of the Michigan Compiled Laws, and known as the revised judicature act.~~

(4) All of the following provisions apply to state-only modifications:

(a) A state-only modification to a renewable operating permit involves changes to terms and conditions in the renewable operating permit that are designated as not enforceable under the clean air act pursuant to R 336.1213(5). If the change results in new applicable requirements that must be enforceable under the clean air act, then the change shall not be a state-only modification.

(b) An application requesting a state-only modification shall contain reasonable responses to all requests for information in the application forms required by the department, including all of the following information:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The proposed changes to the terms and conditions of the renewable operating permit that the person applying for the state-only modification believes are adequate to address the change and any new applicable requirements.

(iii) A certification by the responsible official which states that the proposed modification meets the criteria for use of the state-only modification procedures and that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(c) A state-only modification shall be reviewed and final action taken within 90 days of the department's receipt of an application for the state-only modification. The department shall take 1 of the following actions and notify, in writing, the person applying for the state-only modification of that action:

(i) Approve the state-only modification as proposed.

(ii) Revise the draft state-only modification, with the consent of the person applying for the modification, and approve the revised modification.

(iii) Determine that the requested modification does not meet the criteria for a state-only modification and should be reviewed pursuant to subrule (1), (2), or (3) of this rule. The notification by the department shall specify why the request does not meet the criteria for a state-only modification.

(iv) Deny the state-only modification application for cause. The notification by the department shall specify the reasons for the denial. The appeal of a denial by the department of a state-only modification shall be pursuant to section 631 of ~~Act No. 236 of the Public Acts of 1961, as amended, being §1961 PA 236, MCL 600.631 of the Michigan Compiled Laws, and known as the revised judicature act.~~

(d) A person may make the change proposed in the application for a state-only modification, at the person's own risk, immediately after the application has been received by the department. After the change has been

made, and until the department takes final action as specified in subdivision (c)(i) to (iv) of this subrule, the person shall comply with both the applicable requirements governing the change and the permit terms and conditions proposed in the application for the minor permit modification. During this time period, the person may choose, at the person's own risk, to not comply with the existing permit terms and conditions that the application for a state-only modification seeks to modify. However, if the person fails to comply with the permit terms and conditions proposed in the application for the state-only modification during this time period, or if the state-only modification is denied by the department, the terms and conditions contained in the renewable operating permit are enforceable.

(e) The permit shield provided under R 336.1213(6) does not apply to the state-only modification until the changes have been approved by the department.

R 336.1219 Amendments for change of ownership or operational control.

Rule 219. (1) A person ~~may request an amendment to a permit to install or permit to operate, voluntary agreement, consent order, or judgment for~~ SHALL NOTIFY THE DEPARTMENT, IN WRITING, OF a change in ownership or operational control of a stationary source, ~~process, or process equipment~~ OR EMISSION UNIT AUTHORIZED BY A PERMIT TO INSTALL OR A PERMIT TO OPERATE. ~~The person shall make a written request to the department for the change in ownership or operational control.~~ The request NOTIFICATION shall include all of the following information:

(a) A description of the stationary source, ~~process, or process equipment~~ OR EMISSION UNIT AFFECTED BY THE CHANGE and a listing of the permits, ~~voluntary agreements, consent orders, or judgments~~ involved in the request.

(b) An identification of the new owner or operator and ~~a copy of the appropriate portions of the written agreement between the current and new persons owning or operating the stationary source that contains a specific date for the transfer of responsibility, coverage, and liability.~~

(c) A written statement by the new person owning or operating the stationary source OR EMISSION UNIT that the terms and conditions of the permit to install or permit to operate ~~and any associated voluntary agreements, consent orders, or judgments~~ are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new person owning or operating the stationary source shall also notify the department of any change in the contact person regarding the permit.

(2) A written request for an amendment for a change in ownership or operational control of a permit to install or a permit to operate for a stationary source, ~~process, or process equipment~~ shall be reviewed and final action taken by the department according to the following procedure:

(a) ~~The department shall take final action to approve or deny the request within 60 days after the department received the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the permit to install or permit to operate and any associated voluntary agreements, consent orders, or judgments. A written notification of the approval of a change in ownership or operational control shall be sent to both the new and previous persons involved with the change.~~

(b) ~~The department shall grant the request for change in ownership or control if both of the following provisions are met:~~

(i) ~~The department determines that no other change in the permit to install or permit to operate is necessary to achieve compliance with the applicable requirements.~~

~~(ii) The new owner or operator agrees to assume responsibility for complying with the terms and conditions of a voluntary agreement, consent order, or judgment, if any, that has previously been entered with the current owner or operator.~~

~~(c) If the department denies the request, the department shall notify both the current owner or operator and the proposed new owner or operator requesting the amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an amendment for a change in ownership or operational control of a stationary source, process, or process equipment shall be pursuant to section 631 of Act No. 236 of the Public Acts of 1961, as amended, being §600.631 of the Michigan Compiled Laws, and known as the revised judicature act. The denial of an amendment for a change in ownership or operational control shall not constitute a revocation of the permit to install or permit to operate.~~

(3)(2) A change in ownership or operational control of a stationary source OR EMISSION UNIT covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

R 336.1220 Construction of major offset sources and major offset modifications proposed for location within nonattainment areas.

Rule 220. (1) A proposed major offset source or major offset modification for which volatile organic compounds, particulate matter, PM-10, carbon monoxide, nitrogen oxides, sulfur dioxide, or lead is a major nonattainment air contaminant shall comply with all of the following provisions:

(a) The proposed major offset source or major offset modification shall comply with ALL OF the following applicable control technology requirements:

(i) Lowest achievable emission rate for the following:

(A) For a major offset source, each nonattainment air contaminant for which the potential to emit is 100 or more tons per year.

(B) For a major offset modification, each nonattainment air contaminant for which there is a significant net emissions increase at the major offset source. This provision applies to each ~~process or process equipment~~ EMISSION UNIT at which there is a net emissions increase as a result of the addition of a ~~process or process equipment~~ AN EMISSION UNIT or a physical change in, or change in the method of operation of, ~~a process or process equipment~~ AN EMISSION UNIT.

(ii) Best available control technology, as defined in the prevention of significant deterioration regulations, 40 C.F.R. §52.21 ~~(1989)~~(2002), for a major offset source for each nonattainment air contaminant for which the potential to emit is significant but less than 100 tons per year. This definition of best available control technology is herein adopted by reference. A copy of this definition, CONTAINED IN 40 C.F.R. PART 52 (2002), may be obtained ~~without charge~~ from the ~~Air Quality Division, Department of Natural Resources, 530 West Allegan, P.O. Box 30028, DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR QUALITY DIVISION, 525 WEST ALLEGAN STREET, P.O. BOX 30260, Lansing, Michigan 48909-7760, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$50.00.~~ A copy of ~~this definition, contained in~~ 40 C.F.R. part 52, may also be obtained from the Superintendent of Documents, ~~Government Printing Office, Washington, DC 20402~~P.O. BOX 371954, PITTSBURGH, PENNSYLVANIA 15250-7954, at a cost as of the time of adoption of these rules of ~~\$33.00~~ \$50.00.

(iii) IN THE CASE OF NITROGEN OXIDES, THE CONTROL TECHNOLOGY REQUIREMENTS DESCRIBED IN PARAGRAPHS (i) AND (ii) OF THIS SUBDIVISION DO NOT APPLY IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

(A) ADDITIONAL NITROGEN OXIDES EMISSION REDUCTIONS WOULD NOT DECREASE OZONE.

(B) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS DETERMINED, PURSUANT TO THE PROVISIONS OF SECTION 182(f) OF THE CLEAN AIR ACT, THAT FOR CERTAIN CLASSES OR CATEGORIES OF SOURCES, THE NET AIR QUALITY BENEFITS ARE GREATER IN THE ABSENCE OF REDUCTIONS OF NITROGEN OXIDES FROM THE SOURCES CONCERNED.

(b) All stationary sources which have a potential to emit 100 or more tons per year of any air contaminant regulated under the clean air act, ~~as amended, 42 U.S.C. §7401 et seq.,~~ which are located in the state, and which are owned or controlled by the owner, operator, or an entity controlling, controlled by, or under common control with, the owner or operator of the proposed major offset source or major offset modification shall be in compliance with all applicable local, state, and federal air quality regulations or shall be in compliance with a legally enforceable permit condition or order of the department specifying a plan and timetable for compliance.

(c) Before the start-up of the proposed major offset source or major offset modification, an emission reduction (offset) for each major nonattainment air contaminant shall be provided consistent with the following provisions:

(i) In the case of volatile organic compounds, the offset shall be in compliance with BOTH OF the following provisions:

(A) In any nonclassified or marginal ozone nonattainment area, the offset shall be equal to or greater than 110% of the allowable emissions from the proposed major offset source or major offset modification.

(B) In any moderate nonattainment area for ozone, the offset shall be equal to or greater than 115% of the allowable emissions from the proposed major offset source or major offset modification.

(ii) In the case of nitrogen oxides, the offset shall be equal to or greater than 115% of the allowable emissions from the proposed major offset source or major offset modification if the major offset source or major offset modification is located in a moderate ozone nonattainment area, unless both of the following conditions are met:

(A) Additional nitrogen oxides emissions reductions would not decrease ozone.

(B) The United States environmental protection agency has determined, pursuant to the provisions of section 182(f) of the clean air act, ~~as amended, 42 U.S.C. §7401 et seq.,~~ that for certain classes or categories of sources the net air quality benefits are greater in the absence of reductions of nitrogen oxides from the sources concerned.

(iii) In the case of particulate matter, PM-10, carbon monoxide, sulfur dioxide, or lead, the offset for each major nonattainment air contaminant shall be equal to or greater than the applicable rate as follows:

(A) 120% of the allowable emissions from the proposed major offset source or major offset modification if the major offset source is located in an area not meeting the applicable primary air quality standard for that major nonattainment air contaminant.

(B) 110% of the allowable emissions from the proposed major offset source or major offset modification if the major offset source is located in an area not meeting the applicable secondary air quality standard for that major nonattainment air contaminant.

(C) 150% of the allowable emissions from the proposed major offset source or major offset modification if the offset is from the control of fugitive emissions, regardless of the type of nonattainment area in which the major offset source is located.

(iv) Notwithstanding the required amounts of offsets specified in paragraph (iii) of this subdivision, the department may, on a case-by-case basis, deem as acceptable offsets which are more than 100% of the allowable emissions from the proposed major offset source or major offset modification for that major nonattainment air contaminant, if all of the provisions of subrule (2) of this rule are met.

(d) The owner or operator of a proposed major offset source or major offset modification shall provide an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed major offset source or major offset modification which demonstrates that the benefits of the proposed major

offset source or major offset modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(2) Offsets shall meet all of the following provisions:

(a) Offsets shall be of the same air contaminant class, that is, volatile organic compounds, particulate matter, PM-10, carbon monoxide, nitrogen oxides, sulfur dioxide, or lead; AND THE OFFSETS shall be in a time frame compatible with all of the applicable air quality standards.

(b) Only those offsets occurring after the year used as the baseline for the state implementation plan, or the date on which an area is classified nonattainment for an air contaminant, whichever is later, may be used. Offsets occurring before January 1, 1991, shall not be used.

(c) Offsets shall be permanent, quantifiable, and ~~legally~~-FEDERALLY enforceable and shall be based upon the LOWER OF THE actual emissions OR ALLOWABLE EMISSIONS.

(d) Offsets shall be obtained from the same nonattainment area as the proposed major source or major offset modification, except another nonattainment area may be used if both of the following conditions are met:

(i) The other area has an equal or higher nonattainment classification than the area in which the proposed source is located.

(ii) Nonattainment air contaminant emissions from the other area contribute to a violation of a national ambient air quality standard in the nonattainment area in which the proposed major offset source or major offset modification would be located.

(e) EMISSION REDUCTIONS OTHERWISE REQUIRED BY THE CLEAN AIR ACT, RULES PROMULGATED UNDER THE CLEAN AIR ACT, OR BY STATE RULE, PERMIT, OR ORDER SHALL NOT BE USED AS OFFSETS. INCIDENTAL EMISSION REDUCTIONS WHICH ARE NOT OTHERWISE REQUIRED MAY BE USED AS OFFSETS IF THEY MEET THE REQUIREMENTS OF THIS SUBRULE.

(3) The provisions of subrule (1) of this rule do not apply to a physical change in, or change in the method of operation of, a process or process equipment resulting from any of the following:

(a) Routine maintenance, routine repair, or routine replacement.

(b) Use of an alternate fuel or raw material in a process or process equipment by reason of an order under section 2(a) and (b) of the energy supply and environmental coordination act of 1974, 15 U.S.C. §791, or by reason of a natural gas curtailment plan pursuant to the federal power act, 16 U.S.C. §791.

(c) Use of an alternate fuel in a process or process equipment by reason of an order or rule under section 125 of the clean air act, as amended, 42 U.S.C. §7401 et seq.

(d) Use of an alternate fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(e) Use of an alternate fuel or raw material in a process or process equipment which the process or process equipment was capable of accommodating before December 21, 1976, unless ~~such~~-THE change would be prohibited under any legally enforceable permit condition or order.

(f) An increase in the hours of operation or in the production rate, unless ~~such~~-THE change would be prohibited under any legally enforceable permit condition or order.

(4) The provisions of subrule (1)(c) of this rule do not apply to ~~any of the following~~:

~~(a)~~ emissions resulting from proposed major offset sources or major offset modifications to the extent that ~~such~~ THE emissions are temporary and will not prevent reasonable further progress towards attainment of any applicable standard. Examples of temporary emissions include emissions from all of the following:

~~(i)~~(a) Pilot plants.

~~(ii)~~(b) Portable facilities which will be relocated outside the nonattainment area within 18 months.

~~(iii)~~(c) The construction phase of a major offset source or major offset modification.

~~(b) Emissions resulting from resource recovery facilities which use municipal solid waste to provide more than 50% of the heat input for generating steam or electricity to the extent that such emissions will not prevent reasonable further progress towards attainment of any applicable standard.~~

(5) ~~The applicability of this rule to volatile organic compounds which are nonreactive in the formation of ozone is as follows:~~ THE PROVISIONS OF THIS RULE DO NOT APPLY TO ORGANIC COMPOUNDS WHICH HAVE NEGLIGIBLE PHOTOCHEMICAL REACTIVITY THAT ARE LISTED IN 40 C.F.R. §51.100(s)(1) (2002). ORGANIC COMPOUNDS WHICH HAVE NEGLIGIBLE PHOTOCHEMICAL REACTIVITY THAT ARE LISTED IN 40 C.F.R. §51.100(s)(1) SHALL NOT BE USED AS AN OFFSET TO ALLOW FOR THE CONSTRUCTION OF ANY MAJOR OFFSET SOURCE OR MAJOR OFFSET MODIFICATION. THE DEPARTMENT ADOPTS BY REFERENCE IN THESE RULES THE PROVISIONS OF 40 C.F.R. §51.100(s)(1) (2002). A COPY OF 40 C.F.R. §51.100(s)(1) (2002) MAY BE INSPECTED AT THE LANSING OFFICE OF THE AIR QUALITY DIVISIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY. COPIES OF §51.100(s)(1) (2002) MAY BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR QUALITY DIVISION, 525 WEST ALLEGAN STREET, P.O. BOX 30260, LANSING, MICHIGAN 48909-7760, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$38.00; FROM THE SUPERINTENDENT OF DOCUMENTS, P.O. BOX 371954, PITTSBURGH, PENNSYLVANIA 15250-7954, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$38.00; OR ON THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY INTERNET WEB SITE AT [HTTP://WWW.ACCESS.GPO.GOV](http://www.access.gpo.gov).

~~(a) The provisions of this rule do not apply to the emission of the following volatile organic compounds~~

- ~~(i) Dichloromethane (methylene chloride).~~
- ~~(ii) 1,1,1 Trichloroethane (methyl chloroform).~~
- ~~(iii) Trichlorofluoromethane (CFC 11).~~
- ~~(iv) Dichlorodifluoromethane (CFC 12).~~
- ~~(v) Chlorodifluoromethane (CFC 22).~~
- ~~(vi) Trifluoromethane (FC 23).~~
- ~~(vii) Trichlorotrifluoroethane (CFC 113).~~
- ~~(viii) Dichlorotetrafluoroethane (CFC 114).~~
- ~~(ix) Chloropentafluoroethane (CFC 115).~~
- ~~(x) Dichlorotrifluoroethane (HCFC 123).~~
- ~~(xi) Tetrafluoroethane (HFC 134a).~~
- ~~(xii) Dichlorofluoroethane (HCFC 141b).~~
- ~~(xiii) Chlorodifluoroethane (HCFC 142b).~~
- ~~(xiv) Chlorotetrafluoroethane (HCFC 124).~~
- ~~(xv) Pentafluoroethane (HFC 125).~~
- ~~(xvi) Tetrafluoroethane (HFC 134).~~
- ~~(xvii) Trifluoroethane (HFC 143a).~~
- ~~(xviii) Difluoroethane (HFC 152a).~~
- ~~(xix) Cyclic, branched, or linear, completely fluorinated alkanes.~~
- ~~(xx) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.~~
- ~~(xxi) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.~~
- ~~(xxii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~

~~(xxiii) Any other volatile organic compound for which it can be demonstrated to the department that such compound is nonreactive in the formation of ozone.~~

~~(b) The volatile Organic compounds specified in subdivision (a) of this subrule shall not be used as an offset to allow for the construction of any major offset source or major offset modification.~~

(6) ~~Processes or process equipment~~ EMISSION UNITS specified in subdivision (c) of this subrule shall ~~meet~~ BE IN COMPLIANCE WITH the following provisions:

(a) The lowest emission limit that a particular ~~process or process equipment~~ EMISSION UNIT is capable of meeting by the application of control measures that are reasonably available considering technological and economic feasibility.

(b) Compliance with the provisions of subdivision (a) of this subrule shall be deemed to be met for ~~processes or process equipment~~ EMISSION UNITS meeting the following provisions:

(i) For ~~processes or process equipment~~ EMISSION UNITS which may emit volatile organic compounds, the application of the best available control technology.

(ii) For ~~processes or process equipment~~ EMISSION UNITS which may emit particulate matter, the application of the best technically feasible, practical equipment available.

(c) The provisions of this subrule shall apply to ~~processes or process equipment~~ EMISSION UNITS meeting either of the following descriptions:

(i) A proposed particular change of a ~~process or process equipment~~ AN EMISSION UNIT which is exempted by the provisions of subrule (3)(b) to (e) of this rule and which results in a significant increase in actual emissions of any nonattainment air contaminant from that ~~process or process equipment~~ emission unit.

(ii) A proposed particular change of a process or process equipment which does not result in a significant net emissions increase at the major offset source, but which results in a significant increase in actual emissions of any nonattainment air contaminant from that process or process equipment.

R 336.1240 Required air quality models.

Rule 240. ~~(4)~~—All air quality modeling demonstrations required by ~~the commission~~ 40 C.F.R. §52.21, R 336.1220, or used to support or amend the state implementation plan shall be made ~~using 1 of the following models~~ IN ACCORDANCE WITH THE MODELS AND PROCEDURES IN 40 C.F.R. §51.160(F) AND APPENDIX W (2002). THE DEPARTMENT ADOPTS BY REFERENCE IN THESE RULES THE PROVISIONS OF 40 C.F.R. §51.160(F) AND APPENDIX W (2002). A COPY OF 40 C.F.R. §51.160(F) AND APPENDIX W (2002) MAY BE INSPECTED AT THE LANSING OFFICE OF THE AIR QUALITY DIVISIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY. COPIES OF 40 C.F.R. §51.160(F) AND APPENDIX W (2002) MAY BE OBTAINED FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY, AIR QUALITY DIVISION, 525 WEST ALLEGAN STREET, P.O. BOX 30260, LANSING, MICHIGAN 48909-7760, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$38.00; FROM THE SUPERINTENDENT OF DOCUMENTS, P.O. BOX 371954, PITTSBURGH, PENNSYLVANIA 15250-7954, AT A COST AS OF THE TIME OF ADOPTION OF THESE RULES OF \$38.00; OR ON THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY INTERNET WEB SITE AT <http://www.access.gpo.gov>.

~~(a) An applicable model cited in the United States environmental protection agency's publication entitled "Guideline on Air Quality Models," EPA 450/2-78-027R, July 1986.~~

~~(b) An applicable alternate model that meets the requirements of subrule (2) of this rule.~~

~~(c) In cases where a plume is influenced by downwash eddies or wakes that may be caused by the stationary source itself, nearby structures, or nearby terrain obstacles, models described in references 16, 17, and 18 in~~

~~the United States environmental protection agency's publication entitled "Guideline on Air Quality Models," EPA 450/2-78-027R, July 1986, may be used.~~

~~(2) The commission may approve the use of an alternate model if either of the following conditions is met:~~

~~(a) The model has been approved by the United States environmental protection agency pursuant to the review and revision contemplated in the United States environmental protection agency's publication entitled "Guideline on Air Quality Models," EPA 450/2-78-027R, July 1986.~~

~~(b) All of the following conditions are met:~~

~~(i) A request for utilization of an alternate model is submitted to the commission.~~

~~(ii) The applicant demonstrates that the alternate model is comparable to those required by subrule (1)(a) of this rule, using methods similar to those outlined in the United States environmental protection agency's publication entitled "Interim Procedures for Evaluating Air Quality Models," EPA 450/4-84-023, September 1984.~~

~~(iii) The applicant demonstrates, by comparison with actual ambient monitor sampling results, that the alternate model predicts ambient concentrations as well as an approved model cited in the guideline referenced in subrule (1)(a) of this rule.~~

~~(iv) The alternate model or its algorithms are sufficiently described and documented to enable the commission to duplicate results.~~

~~(v) Output from the alternate model is sufficient to enable comparison with any applicable ambient air quality standard.~~

~~(3) The use of an alternate model approved according to the requirements of subrule (2) of this rule may be extended for use by others in other instances, if such other usage is appropriate and has been suitably documented in the prior approval.~~

R 336.1241 Air quality modeling demonstration requirements.

Rule 241. (1) All air quality modeling demonstrations required by the ~~commission or used to support or amend the state implementation plan~~ DEPARTMENT WHICH ARE NOT SUBJECT TO R 336.1240 shall be consistent with all of the following requirements:

~~(a) A 5-year meteorological data base shall be considered when available. A shorter meteorological record may be used in the modeling and subsequent analysis if it can be demonstrated that the shorter record is more representative of the meteorological conditions of the emission source location than is the best 5-year data base. THE MODELING IS PERFORMED USING AT LEAST 1 CALENDAR YEAR OF METEOROLOGICAL DATA COLLECTED AT A NATIONAL WEATHER SERVICE STATION.~~

~~(b) The use of Meteorological data FROM A SITE other than that obtained from a national weather service stations shall have approval from the commission~~ MAY BE USED IF IT IS DEMONSTRATED, TO THE SATISFACTION OF THE DEPARTMENT, TO BE MORE REPRESENTATIVE OF THE METEOROLOGICAL CONDITIONS AT THE STATIONARY SOURCE.

~~(c) The most representative meteorological data that is reasonably available shall be used in air quality modeling demonstrations.~~

~~(d)~~(c) The receptor grid network shall be sufficiently dense and strategically located to ensure, to the satisfaction of the ~~commission~~ DEPARTMENT, that maximum ambient air quality concentrations are predicted.

~~(e) All ambient air quality monitoring stations specified by the air quality division of the department of natural resources shall be included in the model's receptor grid network.~~

~~(f)~~(d) The modeling demonstration shall not give credit for any dispersion enhancement technique, including any of the following:

(i) Any portion of stack height that exceeds good engineering practice design, unless such stack height existed before December 31, 1970.

- (ii) Any technique that varies source emissions according to atmospheric conditions or ambient concentrations.
- (iii) Any technique that increases the final exhaust gas plume rise by using any of the following methods:
 - (A) Manipulating the source operating parameters, exhaust gas, or stack parameters.
 - (B) Combining exhaust gases from several stacks into 1 stack.
 - (C) The inclusion of exhaust gases from new sources into an existing stack.
- (2) The techniques specified in subrule (1)(f)(iii) of this rule do not include any of the following:
 - (a) The reheating of a gas stream, following the use of pollution control equipment, for the purpose of returning the gas stream to its original discharge temperature.
 - (b) The merging of gas streams if the owner or operator of the stationary source demonstrates that this was part of the original design and construction of the processes or process equipment.
 - (c) A merging of gas streams which occurs after July 8, 1985, and which is associated with a change in operation of the processes or process equipment, including the installation of control equipment, and which results in a net reduction of emissions of the air contaminant being controlled.
 - (d) A merging of gas streams which occurs before July 8, 1985, and which is associated with a change in operations that included the installation of control equipment or that was carried out for sound economic or engineering reasons.
 - (e) The emission of sulfur dioxide from a stationary source which has sulfur dioxide emissions of less than 5,000 tons per year.
- (2) IN THE BEST INTEREST OF PUBLIC HEALTH, SAFETY, WELFARE, AND THE ENVIRONMENT, THE DEPARTMENT MAY APPROVE THE USE OF AN ALTERNATE MODEL IF ALL OF THE FOLLOWING CONDITIONS ARE MET:
 - (a) A REQUEST FOR UTILIZATION OF AN ALTERNATE MODEL IS SUBMITTED TO THE DEPARTMENT.
 - (b) THE APPLICANT DEMONSTRATES TO THE DEPARTMENT, USING THE APPROPRIATE TECHNOLOGY CITED IN 40 C.F.R., PART 51, APPENDIX W, ADOPTED BY REFERENCE IN R 336.1240, THAT THE ALTERNATE MODEL PRODUCES CONCENTRATION ESTIMATES EQUIVALENT TO THE ESTIMATES OBTAINED FROM THE PREFERRED MODEL.
 - (c) THE ALTERNATE MODEL OR ITS ALGORITHMS ARE SUFFICIENTLY DESCRIBED AND DOCUMENTED TO ENABLE THE DEPARTMENT TO DUPLICATE RESULTS.
 - (d) OUTPUT FROM THE ALTERNATE MODEL IS SUFFICIENT TO ENABLE COMPARISON WITH ANY APPLICABLE AMBIENT AIR QUALITY STANDARD.
 - (e) THE APPLICANT AGREES TO PROVIDE AN EXECUTABLE COPY OF THE MODEL FOR FUTURE USE BY THE DEPARTMENT.
- (3) THE USE OF AN ALTERNATE MODEL PREVIOUSLY APPROVED BY THE DEPARTMENT MAY BE EXTENDED FOR USE BY OTHERS IF IT IS DOCUMENTED, TO THE SATISFACTION OF THE DEPARTMENT, THAT THE CONDITIONS FOR WHICH THE MODEL WILL BE APPLIED ARE ESSENTIALLY THE SAME AS THOSE FOR WHICH THE ALTERNATE MODEL WAS ORIGINALLY APPROVED.

R 336.1278 Exclusion from exemption.

Rule 278. (1) ~~Notwithstanding~~ The exemptions specified in R 336.1279–R 336.1280 to R 336.1290, ~~the requirement of R 336.1201(1) to obtain a permit to install applies to any process or process equipment installation, construction, reconstruction, relocation, alteration, or modification that satisfies any~~ DO NOT APPLY TO EITHER of the following conditions:

(a) ANY ACTIVITY THAT, EITHER BY ITSELF OR IN CONJUNCTION WITH OTHER CONCURRENT OR RELATED ACTIVITIES, IS SUBJECT TO 40 C.F.R. §52.21, prevention of significant deterioration regulations, ~~40 C.F.R. §52.21~~ OR R 336.1220, NONATTAINMENT NEW SOURCE REVIEW REGULATIONS.

~~(b) It is a major offset source or major offset modification as defined in R 336.1113(c) and (b), respectively, for which any of the following is a nonattainment air contaminant:~~ ANY ACTIVITY THAT, EITHER BY ITSELF OR IN CONJUNCTION WITH OTHER CONCURRENT OR RELATED ACTIVITIES, RESULTS IN AN INCREASE IN ACTUAL EMISSIONS GREATER THAN THE SIGNIFICANCE LEVELS DEFINED IN R 336.1119. FOR THE PURPOSE OF THIS RULE, “ACTIVITY” MEANS INSTALLATION, CONSTRUCTION, RECONSTRUCTION, RELOCATION, OR MODIFICATION OF ANY PROCESS OR PROCESS EQUIPMENT.

~~(i) Volatile organic compounds.~~

~~(ii) Particulate matter.~~

~~(iii) PM-10.~~

~~(iv) Carbon monoxide.~~

~~(v) Nitrogen oxides.~~

~~(vi) Sulfur dioxide.~~

~~(vii) Lead.~~

~~(c) It has actual emissions above the significance levels as defined in R 336.1119 of any of the following:~~

~~(i) Carbon monoxide.~~

~~(ii) Nitrogen oxides.~~

~~(iii) Sulfur dioxide.~~

~~(iv) Particulate matter.~~

~~(v) Volatile organic compounds.~~

~~(vi) Lead.~~

~~(d) It is a major source as defined in the national emission standards for hazardous air pollutants for source categories, 40 C.F.R. §63.2, and it is subject to the provisions of 40 C.F.R. §§63.40 to 63.44.~~

(2) THE EXEMPTIONS SPECIFIED IN R 336.1280 THROUGH R 336.1290 DO NOT APPLY TO THE CONSTRUCTION OF A NEW MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS OR RECONSTRUCTION OF A MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS, AS DEFINED IN AND SUBJECT TO 40 C.F.R. §63.2 AND §63.5(B)(3), NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS.

(3) THE EXEMPTIONS SPECIFIED IN R 336.1280 THROUGH R 336.1290 DO NOT APPLY TO A CONSTRUCTION OR MODIFICATION AS DEFINED IN AND SUBJECT TO 40 C.F.R. PART 61, NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS.

(4) THE EXEMPTIONS IN R 336.1280 THROUGH R 336.1290 APPLY TO THE REQUIREMENT TO OBTAIN A PERMIT TO INSTALL ONLY AND DO NOT EXEMPT ANY SOURCE FROM COMPLYING WITH ANY OTHER APPLICABLE REQUIREMENT OR EXISTING PERMIT LIMITATION.

R 336.1278a SCOPE OF PERMIT EXEMPTIONS.

RULE 278a. (1) TO BE ELIGIBLE FOR A SPECIFIC EXEMPTION LISTED IN R 336.1280 THROUGH R 336.1290, ANY PERSON OWNING OR OPERATING AN EXEMPT PROCESS OR EXEMPT PROCESS EQUIPMENT SHALL BE ABLE TO PROVIDE INFORMATION DEMONSTRATING THE APPLICABILITY OF THE EXEMPTION. THE DEMONSTRATION SHALL BE PROVIDED WITHIN

30 DAYS OF A WRITTEN REQUEST FROM THE DEPARTMENT. THE DEMONSTRATION MAY INCLUDE THE FOLLOWING INFORMATION:

- (a) A DESCRIPTION OF THE EXEMPT PROCESS OR PROCESS EQUIPMENT, INCLUDING THE DATE OF INSTALLATION.
 - (b) THE SPECIFIC EXEMPTION BEING USED BY THE PROCESS OR PROCESS EQUIPMENT.
 - (c) AN ANALYSIS DEMONSTRATING THAT R336.1278 DOES NOT APPLY TO THE PROCESS OR PROCESS EQUIPMENT.
- (2) THE RECORDS REQUIRED BY THIS RULE SHALL BE PROVIDED IN ADDITION TO ANY OTHER RECORDS REQUIRED WITHIN A SPECIFIC EXEMPTION.

R 336.1279 RESCINDED. ~~Permit to install exemption; other sources.~~

~~Rule 279. The requirement of R 336.1201(1) to obtain a permit to install does not apply to other sources as specified in writing by the department.~~

R 336.1281 Permit to install exemptions ; cleaning, washing, and drying equipment.

Rule 281. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
- (b) Equipment used for portable steam cleaning.
- (c) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
- (d) Portable blast-cleaning equipment equipped with appropriately designed and operated enclosure and control equipment.
- (e) Equipment used for washing or drying materials, where the material itself cannot become an air contaminant, if no volatile organic compounds are used in the process and no oil or solid fuel is burned.
- (f) Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents.
- (g) Dry-cleaning equipment ~~with~~ THAT HAS a capacity of 100 or less pounds of clothes.
- (h) Cold cleaners that have an air/vapor interface of not more than 10 square feet.
- (i) Sterilization equipment at medical and pharmaceutical facilities using steam, hydrogen peroxide, peracetic acid, or a combination thereof.
- (j) PORTABLE BLAST-CLEANING EQUIPMENT USED DURING CONSTRUCTION TO CLEAN NEW WATER TANKS OR OTHER NEW STRUCTURES IF THE TANK OR STRUCTURE IS NOT LOCATED CLOSER THAN THE LESSER OF 750 FEET OR 5 TIMES THE HEIGHT OF THE STRUCTURE TO THE NEAREST RESIDENTIAL, COMMERCIAL, OR PUBLIC FACILITY AND THE ABRASIVE MEDIA IS A LOW DUSTING MATERIAL THAT DOES NOT CONTAIN MORE THAN 5% CRYSTALLINE SILICA.

R 336.1282 Permit to install exemptions ; furnaces, ovens, and heaters.

Rule 282. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) Any of the following processes or process equipment which are electrically heated or which fire sweet gas fuel or no. 1 or no. 2 fuel oil at a maximum total heat input rate of not more than 10,000,000 Btu per hour:
 - (i) Furnaces for heat treating glass or metals, the use of which does not involve molten materials, oil-coated parts, or oil quenching.
 - (ii) Porcelain enameling furnaces or porcelain enameling drying ovens.
 - (iii) Kilns for firing ceramic ware.

- (iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces ~~with~~ THAT HAVE a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.
- (v) Bakery ovens and confection cookers where the products are edible and intended for human consumption.
- (vi) ELECTRIC RESISTANCE MELTING AND HOLDING FURNACES THAT HAVE A CAPACITY OF NOT MORE THAN 6,000 POUNDS PER BATCH AND 16,000 POUNDS PER DAY, WHICH MELT ONLY CLEAN CHARGE. FLUXING THAT RESULTS IN THE EMISSION OF ANY HAZARDOUS AIR POLLUTANT SHALL NOT OCCUR IN THE FURNACE.
- (b) Fuel-burning equipment which is used for space heating, service water heating, electric power generation, oil and gas production or processing, or indirect heating and which burns only the following fuels:
 - (i) Sweet natural gas, synthetic gas, LIQUEFIED petroleum gas, or a combination thereof and the equipment has a rated heat input capacity of not more than 50,000,000 btu per hour.
 - (ii) Number 1 fuel oil, number 2 fuel oil, distillate oil, the gaseous fuels specified in paragraph (i) of this subdivision, or a combination thereof which contains not more than 0.40% sulfur by weight and the equipment has a rated heat input capacity of not more than 20,000,000 btu per hour.
 - (iii) Wood, wood residue, or wood waste which is not painted or treated with wood preservatives, which does not contain more than 25% plywood, chipboard, particleboard, and other types of manufactured wood boards, which is not contaminated with other waste materials, and the equipment has a rated heat input capacity of not more than 6,000,000 btu per hour.
 - (iv) Waste oil or used oil fuels which are generated on the geographical site and the equipment has a rated heat input capacity of not more than 500,000 btu per hour.
- (c) Fuel-burning and refuse-burning equipment used in connection with a structure that is designed and used exclusively as a dwelling for not more than 3 families.
- (d) All residential cooking equipment.
- (e) Equipment, including smokehouses, at restaurants and other retail or institutional establishments that is used for preparing food for human consumption.
- (f) Blacksmith forges.
- (g) Sour gas-burning equipment, if the actual emission of sulfur dioxide does not exceed 1 pound per hour.

R 336.1284 Permit to install exemptions; containers.

Rule 284. EXCEPT AS SPECIFIED IN R 336.1278, the requirement of R 336.1201(1) to obtain a permit to install does not apply to containers, reservoirs, or tanks used exclusively for any of the following:

- (a) Dipping or storage operations for coating objects with oils, waxes, greases, or natural or synthetic resins containing no organic solvents.
- (b) Storage of butane, propane, or liquefied petroleum gas in a vessel ~~with~~ THAT HAS a capacity of less than 40,000 gallons.
- (c) Storage and surge capacity of lubricating, hydraulic, and thermal oils and indirect heat transfer fluids.
- (d) Storage of no. 1 to no. 6 fuel oil as specified in ASTM-D-396-95, gas turbine fuel oils nos. 2-GT to 4-GT as specified in ASTM-D-2880-96, or diesel fuel oils nos. 2-D and 4-D as specified in ASTM-D-975-96. The ASTM methods are adopted in these rules by reference. Copies may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies may be obtained from the Department of Environmental Quality, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of ~~\$15.00~~\$30.00 for ASTM-D-396, ~~\$18.00~~\$30.00 for ASTM-D-2880, and ~~\$21.00~~\$35.00 for ASTM-D-975. Copies may also be obtained from the American Society for Testing and Materials, 100 Barr

Harbor Drive, West Conshohocken, Pennsylvania 19428, at a cost as of the time of adoption of these rules of ~~\$15.00~~\$30.00 for ASTM-D-396, ~~\$18.00~~\$30.00 for ASTM-D-2880, and ~~\$21.00~~\$35.00 for ASTM-D-975.

(e) Storage of sweet crude or sweet condensate in a vessel ~~with~~ THAT HAS a capacity of less than 40,000 gallons.

(f) Storage of sour crude or sour condensate in a vessel ~~with~~ THAT HAS a capacity of less than 40,000 gallons if vapor recovery or its equivalent is used to prevent the emission of vapors to the atmosphere.

(g) Gasoline or natural gas storage and handling equipment, as follows:

(i) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at dispensing facilities.

(ii) Natural gas storage and handling equipment at dispensing facilities.

(h) Storage of water solutions of inorganic salts and bases and of water solutions of the following acids:

(i) Sulfuric acid that is not more than 99% by weight.

(ii) Phosphoric acid that is not more than 99% by weight.

(iii) Nitric acid that is not more than 20% by weight.

(iv) Hydrochloric acid that is not more than 11% by weight.

(i) Storage or transfer operations of volatile organic compounds or noncarcinogenic liquids in a vessel that has a capacity of not more than 40,000 gallons where the contents have a true vapor pressure of not more than 1.5 psia at the actual storage conditions.

(j) Pressurized storage of acetylene, hydrogen, oxygen, nitrogen, helium, and other substances, excluding chlorine and anhydrous ammonia in a quantity of more than 500 gallons, that have a boiling point of 0 degrees Celsius or lower.

(k) Storage containers of noncarcinogenic solid material, including silos, which only emit particulate matter and which are controlled with an appropriately designed and operated fabric filter collector system or an equivalent control system.

(l) Filling of noncarcinogenic liquids in shipping or storage containers that have emissions which are released only into the general in-plant environment.

(m) Storage of wood and wood residues.

R 336.1285 Permit to install exemptions ; miscellaneous.

Rule 285. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

(a) Routine maintenance, parts replacement, or other repairs that are considered by the department to be minor, or relocation of process equipment within the same geographical site not involving any appreciable change in the quality, nature, quantity, or impact of the emission of an air contaminant therefrom. Examples of parts replacement or repairs considered by the department to be minor include the following:

(i) Replacing bags in a baghouse.

(ii) Replacing wires, plates, rappers, controls, or electric circuitry in an electrostatic precipitator which does not measurably decrease the design efficiency of the unit.

(iii) Replacement of fans, pumps, or motors which does not alter the operation of a source or performance of air pollution control equipment.

(iv) Boiler tubes.

(v) Piping, hoods, and ductwork.

(vi) Replacement of engines, compressors, or turbines as part of a normal maintenance program.

(b) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which do not involve any meaningful change in the quality and nature or any meaningful

increase in the quantity of the emission of an air contaminant therefrom. Examples of such changes in a process or process equipment include the following:

- (i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings.
 - (ii) Change in the sequence of the process.
 - (iii) Change in the method of raw material addition.
 - (iv) Change in the method of product packaging.
 - (v) Change in process operating parameters.
 - (vi) Installation of a floating roof on an open top petroleum storage tank.
 - (vii) Replacement of a fuel burner in a boiler THAT HAS an equally or more thermally efficient burner.
 - (viii) Lengthening a paint drying oven to provide additional curing time.
- (c) Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit and which involve a meaningful change in the quality and nature, or a meaningful increase in the quantity, of the emission of an air contaminant resulting from any of the following:
- (i) Changes in the supplier or supply of the same type of virgin fuel, such as coal, no. 2 fuel oil, no. 6 fuel oil, or natural gas.
 - (ii) Changes in the location, within the storage area, or configuration of a material storage pile or material handling equipment.
 - (iii) Changes in a process or process equipment to the extent that such changes do not alter the quality and nature, or increase the quantity, of the emission of ~~such~~ THE air contaminant beyond the level which has been described in and allowed by an approved permit to install, permit to operate, or order of the department.
 - ~~(iv) Any other changes in a process or process equipment for which it can be demonstrated, to the satisfaction of the department, that the submittal of applications and review by the department under the permit system is not warranted.~~
 - (d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.
 - (e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of part A of title I of the clean air act, 84 Statutes 1685, 42 U.S.C. §7412.
 - (f) Installation or construction of air pollution control equipment for an existing process or process equipment ~~provided that~~ IF the control equipment itself does not actually generate a significant amount of criteria air contaminants as defined in R 336.1119(e) or a meaningful quantity of toxic air contaminants.
 - (g) Internal combustion engines ~~with~~ THAT HAVE less than 10,000,000 Btu/hour maximum heat input.
 - (h) Vacuum pumps in laboratory or pilot plant operations.
 - (i) Brazing, soldering, ~~or~~ welding, OR PLASMA COATING equipment.
 - (j) Portable cutting torches.
 - (k) Grain, metal, or mineral extrusion presses.
 - (l) The following equipment and any exhaust system or collector exclusively serving the equipment:
 - (i) Equipment used exclusively for bending, forming, expanding, rolling, forging, pressing, drawing, stamping, spinning, or extruding either hot or cold metals.
 - (ii) Die casting machines.
 - (iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.
 - (iv) Atmosphere generators used in connection with metal heat treating processes.
 - (v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, flyash, or metal compounds.

- (vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals, plastics, concrete, rubber, paper stock, wood, or wood products which meets any of the following:
 - (A) Equipment used on a nonproduction basis.
 - (B) Equipment has emissions that are released only into the general in-plant environment.
 - (C) Equipment has externally vented emissions controlled by an appropriately designed and operated fabric filter collector that, for all specified operations with metal, is preceded by a mechanical precleaner.
- (vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, including any of the following:
 - (A) Blueprint machines.
 - (B) Photocopiers.
 - (C) Mimeograph machines.
 - (D) Photographic developing processes.
 - (E) Microfiche copiers.
- (viii) Battery charging operations.
- (ix) PAD PRINTERS.
- (m) Lagoons, process water treatment equipment, wastewater treatment equipment, and sewage treatment equipment, except for any of the following:
 - (i) Lagoons and equipment primarily designed to treat volatile organic compounds in process water, wastewater, or groundwater, unless the emissions from the lagoons and equipment are only released into the general in-plant environment.
 - (ii) ~~Sewage~~ Sludge incinerators and dryers.
 - (iii) Heat treatment processes.
 - (iv) Odor control equipment.
- (n) Livestock and livestock handling systems from which the only potential air contaminant emission is odorous gas.
- (o) Equipment for handling and drying grain on a farm.
- (p) Commercial equipment used for grain unloading, handling, cleaning, storing, loading, or drying in a column dryer that has a column plate perforation of not more than 0.094 inch or a rack dryer in which exhaust gases pass through a screen filter no coarser than 50 mesh.
- (q) Portable steam deicers that have a heat input of less than 1,000,000 Btu's per hour.
- (r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:
 - (i) Surface treatment.
 - (ii) Pickling.
 - (iii) Acid dipping.
 - (iv) Cleaning.
 - (v) Etching.
 - (vi) Electropolishing.
 - (vii) Electrolytic stripping or electrolytic plating.
- (s) Emissions or airborne radioactive materials specifically authorized pursuant to a United States nuclear regulatory commission license.
- (t) Equipment for the mining and screening of uncrushed native sand and gravel.
- (u) Solvent distillation equipment that has a rated batch capacity of not more than 55 gallons.

- (v) Any vapor vacuum extraction soil remediation process where vapor is treated in a control device and all of the vapor is reinjected into the soil such that there are no emissions to the atmosphere during normal operation.
- (w) Air strippers controlled by an appropriately designed and operated carbon adsorption or incineration system that is used exclusively for the cleanup of gasoline, fuel oil, natural gas condensate, and crude oil spills.
- (x) Any asbestos removal or stripping process or process equipment.
- (y) Ozonization process or process equipment.
- (z) Combustion of boiler cleaning solutions that were solely used for or intended for cleaning internal surfaces of boiler tubes and related steam and water cycle components if the solution burned is not designated, by listing or specified characteristic, as hazardous pursuant to federal regulations or state rules.
- (aa) Landfills and associated flares and leachate collection and handling equipment.
- (bb) A residential, municipal, commercial, or agricultural composting process or process equipment.
- (cc) Gun shooting ranges controlled by appropriately designed and operated high-efficiency particulate filters.
- (dd) Equipment for handling, conveying, cleaning, milling, mixing, cooking, drying, coating, and packaging grain-based food products and ingredients which meet any of the following:
 - (i) Equipment used on a nonproduction basis.
 - (ii) Equipment has emissions that are released only into the general in-plant environment.
 - (iii) Equipment has externally vented emissions controlled by an appropriately designed and operated particulate control system.
- (ee) Open burning.
- (ff) Fire extinguisher filling, testing, spraying, and repairing.
- (gg) Equipment used for chipping, flaking, or hogging wood or wood residues that are not demolition waste materials.
- (hh) A process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.
- (ii) Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, or solid oxide or equivalent technologies.
- (jj) ANY VACUUM TRUCK USED AT A REMEDIATION SITE AS A REMEDIAL ACTION METHOD, IF IT IS NOT USED MORE THAN ONCE PER MONTH AT A SITE AND THE USAGE IS NOT MORE THAN 2 CONSECUTIVE DAYS.
- (kk) AIR SPARGING SYSTEMS WHERE THE SPARGED AIR IS EMITTED BACK TO THE ATMOSPHERE ONLY BY NATURAL DIFFUSION THROUGH THE CONTAMINATED MEDIUM AND COVERING SOIL OR OTHER COVERING MEDIUM.
- (ll) AIR SEPARATION OR FRACTIONATION EQUIPMENT USED TO PRODUCE NITROGEN, OXYGEN, OR OTHER ATMOSPHERIC GASES.

R 336.1287 Permit to install exemptions ; surface coating equipment.

Rule 287. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) An adhesive coating line which has an application rate of less than 2 gallons per day and which has emissions that are released only into the general in-plant environment.
- (b) A surface coating process that uses only hand-held aerosol spray cans, including the puncturing and disposing of the spray cans.
- (c) A surface coating line if all of the following conditions are met:
 - (i) The coating use rate is not more than 200 gallons, as applied, minus water, per month.
 - (ii) Any exhaust system that serves only coating spray equipment is supplied with a properly installed and operating particulate control system.

- (iii) Monthly coating use records are maintained on file for the most recent 2-year period and are made available to the air quality division upon request.
- (d) A powder coating booth that has an appropriately designed and operated particulate control system and associated ovens.
- (e) A silkscreen process.
- (f) Replacement of waterwash control in a paint spray booth with dry filter control.
- (g) Adding dry filters to paint spray booths.
- (h) Replacement of a coating applicator SYSTEM with a coating applicator SYSTEM that has an equivalent or higher design transfer efficiency, unless the ~~applicator type~~ CHANGE is ~~specified in~~ SPECIFICALLY PROHIBITED BY a permit condition.
- (i) Equipment that is used for the application of a hot melt adhesive.
- (j) Portable equipment that is used for on-site nonproduction painting.
- (k) Mixing, blending, or metering operations associated with a surface coating line.

R 336.1289 Permit to install exemptions ; asphalt and concrete production equipment.

Rule 289. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (a) A cold feed aggregate bin for asphalt and concrete production equipment.
- (b) A liquid asphalt storage tank that is controlled by an appropriately designed and operated vapor condensation and recovery system or an equivalent control system.
- (c) An asphalt concrete storage silo that has all its emissions vented back into the burning zone of the kiln or that has an equivalent control system.
- (d) A CONCRETE BATCH PLANT THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:
 - (i) THE PLANT SHALL PRODUCE NOT MORE THAN 200,000 CUBIC YARDS PER YEAR.
 - (ii) THE PLANT SHALL USE EITHER A FABRIC FILTER DUST COLLECTOR, A SLURRY MIXER SYSTEM, A DROP CHUTE, A MIXER FLAP GATE, OR AN ENCLOSURE FOR TRUCK LOADING OPERATIONS.
 - (iii) ALL CEMENT HANDLING OPERATIONS, SUCH AS SILO LOADING AND CEMENT WEIGHING HOPPERS, SHALL EITHER BE ENCLOSED BY A BUILDING OR EQUIPPED WITH A FABRIC FILTER DUST CONTROL.
 - (iv) THE OWNER OR OPERATOR SHALL KEEP MONTHLY RECORDS OF THE CUBIC YARDS OF CONCRETE PRODUCED.
 - (v) BEFORE COMMENCING OPERATIONS, THE OWNER OR OPERATOR SHALL NOTIFY THE APPROPRIATE AIR QUALITY DIVISION DISTRICT SUPERVISOR OF THE LOCATION WHERE THE CONCRETE BATCH PLANT WILL BE OPERATING UNDER THIS EXEMPTION.
 - (vi) THE CONCRETE BATCH PLANT SHALL BE LOCATED NOT LESS THAN 250 FEET FROM ANY RESIDENTIAL OR COMMERCIAL ESTABLISHMENT OR PLACE OF PUBLIC ASSEMBLY UNLESS ALL OF THE CEMENT HANDLING OPERATIONS, EXCLUDING THE CEMENT SILO STORAGE AND LOADING OPERATIONS, ARE ENCLOSED WITHIN AT LEAST A 3-SIDED STRUCTURE.
 - (vii) THE OWNER OR OPERATOR SHALL IMPLEMENT THE FOLLOWING FUGITIVE DUST PLAN:
 - (A) THE DROP DISTANCE AT EACH TRANSFER POINT SHALL BE REDUCED TO THE MINIMUM THE EQUIPMENT CAN ACHIEVE.
 - (B) ON-SITE VEHICLES SHALL BE LOADED TO PREVENT THEIR CONTENTS FROM DROPPING, LEAKING, BLOWING, OR OTHERWISE ESCAPING. THIS SHALL BE

ACCOMPLISHED BY LOADING SO THAT NO PART OF THE LOAD SHALL COME IN CONTACT WITHIN 6 INCHES OF THE TOP OF ANY SIDEBORD, SIDE PANEL OR TAILGATE. OTHERWISE, THE TRUCK SHALL BE TARPED.

(C) ALL OF THE FOLLOWING PROVISIONS APPLY FOR SITE ROADWAYS AND THE PLANT YARD:

(1) THE DUST ON THE SITE ROADWAYS AND THE PLANT YARD SHALL BE CONTROLLED BY APPLICATIONS OF WATER, CALCIUM CHLORIDE, OR OTHER ACCEPTABLE AND APPROVED FUGITIVE DUST CONTROL COMPOUNDS. APPLICATIONS OF DUST SUPPRESSANTS SHALL BE DONE AS OFTEN AS NECESSARY TO MEET AN OPACITY LIMIT OF 5%.

(2) ALL PAVED ROADWAYS AND PLANT YARDS SHALL BE SWEEPED AS NEEDED BETWEEN APPLICATIONS.

(3) ANY MATERIAL SPILLAGE ON ROADS SHALL BE CLEANED UP IMMEDIATELY.

(4) A RECORD OF ALL APPLICATIONS OF DUST SUPPRESSANTS AND ROADWAY AND PLANT YARD SWEEPINGS SHALL BE KEPT FOR THE MOST RECENT 5-YEAR PERIOD AND BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

(D) ALL OF THE FOLLOWING PROVISIONS APPLY FOR STORAGE PILES:

(1) STOCKPILING OF ALL NONMETALLIC MINERALS SHALL BE PERFORMED TO MINIMIZE DROP DISTANCE AND CONTROL POTENTIAL DUST PROBLEMS.

(2) STOCKPILES SHALL BE WATERED ON AN AS NEEDED BASIS IN ORDER TO MEET AN OPACITY LIMIT OF 5%. EQUIPMENT TO APPLY WATER OR DUST SUPPRESSANT SHALL BE AVAILABLE AT THE SITE OR ON CALL FOR USE AT THE SITE WITHIN A GIVEN OPERATING DAY.

(3) A RECORD OF ALL WATERING SHALL BE KEPT ON FILE FOR THE MOST RECENT 5-YEAR PERIOD AND BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

(E) THE PROVISIONS AND PROCEDURES OF THIS FUGITIVE DUST PLAN ARE SUBJECT TO ADJUSTMENT BY WRITTEN NOTIFICATION FROM THE DEPARTMENT IF, FOLLOWING AN INSPECTION, THE DEPARTMENT DETERMINES THE FUGITIVE DUST REQUIREMENTS OR PERMITTED OPACITY LIMITS ARE NOT BEING MET.

R 336.1299 Adoption of standards by reference.

Rule 299. The following standards are adopted in these rules by reference and are available as noted:

(a) "1996 TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents. Biological Exposure Indices," American conference of governmental industrial hygienists. For the purposes of R 336.1232, the chemical names and threshold limit values are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of \$11.00, or from the American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438, at a cost as of the time of adoption of these rules of \$11.00.

(b) "NIOSH Pocket Guide to Chemical Hazards," national institute for occupational safety and health, June 1994. For the purposes of R 336.1232, the chemical names and NIOSH-recommended exposure levels are adopted by reference. A copy may be inspected at the Lansing office of the air quality division of the department of environmental quality. A copy may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of

these rules of \$14.00, or from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS document PB95-100368, at a cost as of the time of adoption of these rules of \$14.00.

(c) "Guidelines for Carcinogen Risk Assessment," 1986, United States environmental protection agency, 51 F.R. pp. 33992 to 34003. Copies may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at no cost, or from CERL, Office of Resource Information, United States Environmental Protection Agency, 26 Martin Luther King Drive, Cincinnati, Ohio 45268, EPA document no. EPA 600/8-87/045, at no cost.

(d) The federal acid rain program. The department adopts by reference in these rules the provisions of 40 C.F.R. §§72.1 to 72.96-(2000) (2002), 40 C.F.R. §§74.1 to 74.61-(2000) (2002), and 40 C.F.R. §§76.1 to 76.15-(2000) (2002). When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. If the provisions or requirements of 40 C.F.R. §§72.1 to 72.96, 40 C.F.R. §§74.1 TO 74.61, OR 40 C.F.R. §§76.1 TO 76.15 conflict with, or are not included in, R 336.1210 to R 336.1218, then the 40 C.F.R. §§72.1 to 72.96 AND 40 C.F.R. §§76.1 TO 76.15 provisions and requirements shall apply and take precedence. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R., parts 72-80, may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of ~~\$47.00~~ \$55.00; from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of ~~\$47.00~~ \$55.00; or on the United States government printing office internet web site at <http://www.access.gpo.gov>.

(e) The federal hazardous air pollutant regulations governing constructed or reconstructed major sources. The department adopts by reference in these rules the provisions of 40 C.F.R. §§63.40 to 63.44, ~~in effect on January 27, 1997~~ AND 63.50 TO 63.56 (2002). When used in these federal regulations, the term "permitting authority" shall mean the department and the term "administrator" shall mean the administrator of the United States environmental protection agency. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of these regulations may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of ~~\$47.00~~ \$53.00, or from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of ~~\$47.00~~ \$53.00, or on the United States environmental protection agency internet web site at <http://www.epa.gov/oar>.

(f) The federal compliance assurance monitoring regulations. The department adopts by reference in these rules the provisions of 40 C.F.R. §§64.1 to 64.10-(2000)(2002). When used in these federal regulations, the term "permitting authority" shall mean the department, and the term "administrator" shall mean the administrator of the United States environmental protection agency. A copy of these regulations may be inspected at the Lansing office of the air quality division of the department of environmental quality. Copies of 40 C.F.R., parts 64-71, may be obtained from the Department of Environmental Quality, Air Quality Division, P.O. Box 30260, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules of ~~\$12.00~~ \$26.00; from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at a cost as of the time of adoption of these rules of ~~\$12.00~~ \$26.00; or on the United States environmental protection agency internet web site at <http://www.access.gpo.gov>.

NOTICE OF PUBLIC HEARING

ORR # 2002-003, 2002-004

DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY DIVISION

The Michigan Department of Environmental Quality (DEQ), Air Quality Division, will conduct a public hearing on proposed administrative rules promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); R 336.1101, R 336.1103, R 336.1106, R 336.1114, R 336.1116, R 336.1118, R 336.1119, R 336.1201 to R 336.1207, R 336.1212; R 336.1214a, R 336.1216, R 336.1219, R 336.1220, R 336.1240, R 336.1241, R 336.1278, R 336.1278a, R 336.1279, R 336.1281, R 336.1282, R 336.1284, R 336.1285, R 336.1287, and R 336.1289. These proposed rule amendments address issues raised by the U.S. Environmental Protection Agency and the Office of the Auditor General with regard to the New Source Review and the Renewable Operating Permit programs.

The public hearing will be held on November 6, 2002, at 1:00 p.m., in the ConCon A & B Conference Room, Constitution Hall, Atrium South, 525 West Allegan Street, Lansing, Michigan.

Copies of the proposed rules (ORR 2002-003EQ and 2002-004EQ) can be downloaded from the Internet at: <http://www.michigan.gov/deq>. These rules can also be downloaded from the Internet through the Office of Regulatory Reform at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909-7760
Phone: 517-373-7045
Fax: 517-241-7499
E-Mail: halbeism@michigan.gov

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by November 6, 2002.

Persons needing accommodations for effective participation in the meeting should contact the Air Quality Division at 517-373-7045 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Director of the DEQ by Sections 5503 and 5512 of Act 451, being Sections 324.5503 and 324.5512 of the Michigan Compiled Laws, and Executive Order 1995-18. These rules will become effective seven days after filing with the Secretary of State.

Dennis M. Drake, Chief
Air Quality Division

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-044

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

MIOSHA SAFETY AND HEALTH STANDARDS

Filed with the Secretary of State on
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of consumer and industry services by section 69 of 1974 PA 154 and Executive Reorganization Order No. 1996-2, MCL 408.1069 and 445.2001)

R 408.22103, R 408.22107, R 408.22112, R 408.22115, R 408.22135, and R 408.22141 of the Michigan Administrative Code are amended as follows:

PART 11. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES

R 408.22103 Exceptions; applicability; petitions.

Rule 1103. (1) ~~Basic requirements for employers with 10 or fewer employees.~~ BOTH OF THE FOLLOWING PROVISIONS APPLY TO EXEMPTIONS BASED ON EMPLOYEE NUMBERS AND INDUSTRY CLASSIFICATIONS:

(a) If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep MIOSHA injury and illness records unless MIOSHA, the bureau of labor statistics (BLS), or the United States department of labor (OSHA), informs you, in writing, that you must keep records according to R 408.22141 or R 408.22142. However, as required by R 408.22139, all employers covered by the MIOSH act shall report to MIOSHA any workplace incident that results in a fatality or the hospitalization of 3 or more employees.

(b) If your company had more than 10 employees at any time during the last calendar year, you must keep MIOSHA injury and illness records unless your establishment is classified as a partially exempt industry in this rule.

(2) BOTH OF THE FOLLOWING PROVISIONS APPLY TO implementation OF EMPLOYEE NUMBER BASED EXEMPTIONS:

(a) Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment? The partial exemption for size is based on the number of employees in the entire company.

(b) How do I determine the size of my company to find out if I qualify for the partial exemption for size? To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you did not have more than 10 employees at any time in the last calendar year, then your company qualifies for the partial exemption for size.

(3) BOTH OF THE FOLLOWING PROVISIONS APPLY TO basic requirements for partial exemption for establishments in certain industries:

(a) If your business establishment is classified in a specific low hazard retail, service, finance, insurance, or real estate industry listed in appendix a, you do not need to keep MIOSHA injury and illness records unless the government asks you to keep the records according to R 408.22141 or R 408.22142. However, all employers must report to MIOSHA any workplace incident that results in a fatality or the hospitalization of 3 or more employees as required by R 408.22139.

(b) If 1 or more of your company's establishments are classified in a nonexempt industry, then you must keep MIOSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under these rules.

(4) ALL OF THE FOLLOWING PROVISIONS APPLY TO implementation of partial exemptions:

(a) Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance, or real estate industries (SIC's 52 to 89, see appendix a)? Yes, business establishments classified in agriculture; construction; manufacturing; transportation; communication, electric, gas, and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.

(b) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.

(c) How do I determine the standard industrial classification code for my company or for individual establishments? You determine your standard industrial classification (SIC) code by using the standard industrial classification manual (1987), Executive Office of the President, Office of Management and Budget. You may contact MIOSHA, Bureau of Safety and Regulation, MIOSHA Information Division, at (517) 322-1848 or the Michigan Department of Career Development, ~~Office of Information Systems, 7310 Woodward Avenue, Detroit, Michigan 48202~~ at (313) 872-1716 EMPLOYMENT SERVICE AGENCY, CADILLAC PLACE SUITE 9-100, DETROIT, MICHIGAN 48202 AT (313) 456-3070 for help in determining your SIC.

(5) The department of consumer and industry services shall supply copies of the forms provided for in these rules and shall compile, correct, and analyze data obtained pursuant to these rules. The department shall process petitions for exceptions to these rules from public employers. The occupational safety and health administration (OSHA) of the United States department of labor shall process petitions for exceptions from private employers to ensure uniformity between federal and state rules.

R 408.22107 Definitions; O to Y.

Rule 1107. As used in this part:

(a) "Occupational injury or illness" means an abnormal condition or disorder. Occupational injury is a result of a work accident or from an exposure involving a single incident in the work environment and includes, but is not limited to, a cut, fracture, sprain, or amputation. Occupational illnesses include both acute and chronic illnesses, including, but not limited to, a skin disease, respiratory disorder, or poisoning.

(Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet 1 or more of the recording criteria of these rules.)

(b) "Other potentially infectious material" means other potentially infectious material as defined in R 325.70001 et seq., being the bloodborne infectious diseases standard. These materials include the following:

(i) Human bodily fluids, tissues, and organs.

(ii) Other materials infected with the HIV or hepatitis B (HBV) virus, such as laboratory cultures or tissues from experimental animals.

(c) “Physician or other licensed health care professional” means a physician or other licensed health care professional WHO is an individual AND whose legally permitted scope of practice, that is, license, registration, or certification, allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by these rules.

(d) “Recordable injuries and illness” means an injury or illness that meets the general recording criteria, and therefore is recordable, if it results in any of the following:

~~(a)~~ (i) Death.

~~(b)~~ (ii) Days away from work.

~~(c)~~ (iii) Restricted work or transfer to another job.

~~(d)~~ (iv) Medical treatment beyond first aid.

~~(e)~~ (v) Loss of consciousness.

An employer must also consider a case as meeting the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

(e) “SIC” means the standard industrial classification as defined in the standard industrial classification manual (1987), Executive Office of the President, Office of Management and Budget. “SIC 52 to 89” (see appendix a) means any of the following:

(i) Retail trade establishments (SIC’s 52 to 59) whose primary activity constitutes retail trade, including establishments engaged in selling merchandise to the general public for personal or household consumption, such as automotive dealers, apparel and accessory stores, furniture and home furnishing stores, and eating and drinking places.

(ii) Finance, insurance, and real estate establishments (SIC’s 60 to 67) whose primary activity constitutes finance, insurance, and real estate, including those engaged in banking, credit other than banking, security dealings, insurance, and real estate.

(iii) Service establishments (SIC’s 70 to 89) whose primary activity constitutes services, including establishments that provide a variety of services for individuals, businesses, government agencies, and other organizations, such as personal and business services; legal, social, and cultural services; and membership organizations. For finance, insurance, real estate, and service establishments, the primary activity of an establishment is determined by the value of receipts of revenue for services rendered by the establishment. In establishments ~~with~~ THAT HAVE diversified activities, the activities determined to account for the largest share of production, sales, or revenue will identify the primary activity. In some instances, these criteria will not adequately represent the relative economic importance of each of the varied activities. In such cases, employment or payroll should be used in place of the normal basis for determining the primary activity.

(f) “STANDARD THRESHOLD SHIFT” MEANS A CHANGE IN THE HEARING THRESHOLD RELATIVE TO THE BASELINE AUDIOGRAM OF AN AVERAGE OF 10 DB OR MORE AT 2000, 3000, AND 4000 HZ IN EITHER EAR.

~~(g)~~ (g) “You” means an employer as defined in section 5 of 1974 PA 154, MCL 408.1005.

R 408.22112 General recording criteria.

Rule 1112. (1) Basic requirement. You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following:

(a) Death.

- (b) Days away from work.
 - (c) Restricted work or transfer to another job.
 - (d) Medical treatment beyond first aid.
 - (e) Loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- (2) ALL OF THE FOLLOWING PROVISIONS APPLY TO implementation OF GENERAL RECORDING CRITERIA:
- (a) How do I decide if a case meets 1 or more of the general recording criteria? A work-related injury or illness must be recorded if it results in 1 or more of the following:
 - (i) Death. See subdivision (b) of this subrule.
 - (ii) Days away from work. See subdivision (c) of this subrule.
 - (iii) Restricted work or transfer to another job. See subdivision (d) of this subrule.
 - (iv) Medical treatment beyond first aid. See subdivision (e) of this subrule.
 - (v) Loss of consciousness. See subdivision (f) of this subrule.
 - (vi) A significant injury or illness diagnosed by a physician or other licensed health care professional. See subdivision (g) of this subrule.
 - (b) How do I record a work-related injury or illness that results in the employee's death? You must record an injury or illness that results in death by entering a check mark on the MIOSHA 300 log in the space for cases resulting in death. You must also report any work-related fatality to MIOSHA within 8 hours, as required by R 408.22139.
 - (c) How do I record a work-related injury or illness that results in days away from work? When an injury or illness involves 1 or more days away from work, you must record the injury or illness on the MIOSHA 300 log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.
 - (i) Do I count the day on which the injury occurred or the illness began? No, you begin counting days away on the day after the injury occurred or the illness began.
 - (ii) How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the MIOSHA 300 log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.
 - (iii) How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway? In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

(iv) How do I count weekends, holidays, or other days the employee would not have worked anyway? You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those days. Weekend days, holidays, vacation days, or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

(v) How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend? You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

(vi) How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing? You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

(vii) Is there a limit to the number of days away from work I must count? Yes, you may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work or days of job transfer or restriction, or both. In such a case, entering 180 in the total days away column will be considered adequate.

(viii) May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company? Yes, if the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the MIOSHA 300 log.

(ix) If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years? No, you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the MIOSHA 300 log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.

(d) How do I record a work-related injury or illness that results in restricted work or job transfer? When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the MIOSHA 300 log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

(i) How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness, either of the following occurs:

(A) You keep the employee from performing 1 or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work.

(B) A physician or other licensed health care professional recommends that the employee not perform 1 or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

(ii) What is meant by "routine functions"? For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

(iii) Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began? No, you do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.

(iv) If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case? No, a recommended work restriction is recordable only if it affects 1 or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing 1 or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

(v) How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness? A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

(vi) If the injured or ill worker produces fewer goods or services than he or she would have produced before the injury or illness, but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

(vii) How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"? If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to 1 or both of these questions is "no," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, then record the injury or illness as a case involving restricted work.

(viii) What do I do if a physician or other licensed health care professional recommends a job restriction meeting MIOSHA's definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the MIOSHA 300 log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from 2 or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

(ix) How do I decide if an injury or illness involved a transfer to another job? If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: this does not include the day on which the injury or illness occurred.

(x) Are transfers to another job recorded in the same way as restricted work cases? Yes, both job transfer and restricted work cases are recorded in the same box on the MIOSHA 300 log. For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness

involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

(xi) How do I count days of job transfer or restriction? You count days of job transfer or restriction in the same way you count days away from work, using subdivision (c)(i) to (viii) of this subrule. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least 1 day of restricted work or job transfer for such cases.

(e) How do I record an injury or illness that involves medical treatment beyond first aid? If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the MIOSHA 300 log. If the injury or illness did not involve death, 1 or more days away from work, 1 or more days of restricted work, or 1 or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

(i) What is the definition of medical treatment? "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of these rules, medical treatment does not include any of the following:

(A) Visits to a physician or other licensed health care professional solely for observation or counseling.

(B) The conduct of diagnostic procedures, such as x rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes, such as eye drops to dilate pupils.

(C) "First aid" as defined in paragraph (ii) of this subdivision.

(ii) What is "first aid"? For the purposes of these rules, "first aid" means any of the following:

(A) Using a nonprescription medication at nonprescription strength. For medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes.

(B) Administering tetanus immunizations. ADMINISTERING other immunizations, such as hepatitis B vaccine or rabies vaccine, ~~are~~ IS considered medical treatment.

(C) Cleaning, flushing, or soaking wounds on the surface of the skin.

(D) Using wound coverings such as bandages, Band-aidsTM, gauze pads, or the like; or using butterfly bandages or Steri-stripsTM. ~~or~~ (USING other wound closing devices, such as sutures, staples, or the like, is considered medical treatment.)

(E) Using hot or cold therapy.

(F) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, or the like. USING devices that have rigid stays or other systems designed to immobilize parts of the body is considered medical treatment for recordkeeping purposes.

(G) Using temporary immobilization devices while transporting an accident victim, such as splints, slings, neck collars, back boards, and the like.

(H) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister.

(I) Using eye patches.

(J) Removing foreign bodies from the eye using only irrigation or a cotton swab.

(K) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means.

(L) Using finger guards.

(M) Using massages. Physical therapy or chiropractic treatment is considered medical treatment for recordkeeping purposes.

(N) Drinking fluids for relief of heat stress.

(iii) Are any other procedures included in first aid? No, this is a complete list of all treatments considered first aid for the purposes of these rules.

(iv) Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment? No, MIOSHA considers the treatments listed in paragraph (ii) of this subdivision to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid. Similarly, MIOSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.

(v) What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation? If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

(f) Is every work-related injury or illness case involving a loss of consciousness recordable? Yes, you must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.

(g) What is a "significant" diagnosed injury or illness that is recordable under the general criteria, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness? Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.

Note: MIOSHA believes that most significant injuries and illnesses will result in 1 of the criteria listed in subrule (1) of this rule, such as: death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. MIOSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

R 408.22115 ~~Rescinded~~ RECORDING CRITERIA FOR CASES INVOLVING OCCUPATIONAL HEARING LOSS, AFTER JANUARY 1, 2003.

RULE 1115. (1) BASIC REQUIREMENTS. IF AN EMPLOYEE'S HEARING TEST (AUDIOGRAM) REVEALS THAT THE EMPLOYEE HAS EXPERIENCED A WORK-RELATED STANDARD THRESHOLD SHIFT (STS) IN HEARING IN ONE OR BOTH EARS, AND THE EMPLOYEE'S TOTAL HEARING LEVEL IS 25 DECIBELS (dB) OR MORE ABOVE AUDIOMETRIC ZERO (AVERAGED AT 2000, 3000, AND 4000 H_z) IN THE SAME EAR(S) AS THE STS, YOU MUST RECORD THE CASE ON THE MIOSHA 300 LOG, COLUMN 5.

(2) IMPLEMENTATION.

(a) WHAT IS A STANDARD THRESHOLD SHIFT? A STANDARD THRESHOLD SHIFT, OR STS, IS DEFINED IN THE OCCUPATIONAL NOISE EXPOSURE STANDARD, R 325.60102(n) AS A CHANGE IN HEARING THRESHOLD, RELATIVE TO THE BASELINE AUDIOGRAM FOR THAT

EMPLOYEE, OF AN AVERAGE OF 10 DECIBELS (dB) OR MORE AT 2000, 3000, AND 4000 HERTZ (Hz) IN ONE OR BOTH EARS.

(b) HOW DO I EVALUATE THE CURRENT AUDIOGRAM TO DETERMINE WHETHER AN EMPLOYEE HAS AN STS AND A 25 dB HEARING LEVEL?

(i) IF THE EMPLOYEE HAS NEVER PREVIOUSLY EXPERIENCED A RECORDABLE HEARING LOSS, THEN YOU MUST COMPARE THE EMPLOYEE'S CURRENT AUDIOGRAM WITH THAT EMPLOYEE'S BASELINE AUDIOGRAM. IF THE EMPLOYEE HAS PREVIOUSLY EXPERIENCED A RECORDABLE HEARING LOSS, THEN YOU MUST COMPARE THE EMPLOYEE'S CURRENT AUDIOGRAM WITH THE EMPLOYEE'S REVISED BASELINE AUDIOGRAM (THE AUDIOGRAM REFLECTING THE EMPLOYEE'S PREVIOUS RECORDABLE HEARING LOSS CASE).

(ii) 25 dB LOSS. AUDIOMETRIC TEST RESULTS REFLECT THE EMPLOYEE'S OVERALL HEARING ABILITY IN COMPARISON TO AUDIOMETRIC ZERO. THEREFORE, USING THE EMPLOYEE'S CURRENT AUDIOGRAM, YOU MUST USE THE AVERAGE HEARING LEVEL AT 2000, 3000, AND 4000 Hz TO DETERMINE WHETHER OR NOT THE EMPLOYEE'S TOTAL HEARING LEVEL IS 25 dB OR MORE.

(c) MAY I ADJUST THE CURRENT AUDIOGRAM TO REFLECT THE EFFECTS OF AGING ON HEARING? YES. WHEN YOU ARE DETERMINING WHETHER AN STS HAS OCCURRED, YOU MAY AGE ADJUST THE EMPLOYEE'S CURRENT AUDIOGRAM RESULTS BY USING TABLE 4, AS APPROPRIATE, FROM R 325.60118 IN THE OCCUPATIONAL NOISE EXPOSURE STANDARD PART 380. YOU MAY NOT USE AN AGE ADJUSTMENT WHEN DETERMINING WHETHER THE EMPLOYEE'S TOTAL HEARING LEVEL IS 25 dB OR MORE ABOVE AUDIOMETRIC ZERO.

(d) DO I HAVE TO RECORD THE HEARING LOSS IF I AM GOING TO RETEST THE EMPLOYEE'S HEARING? NO, IF YOU RETEST THE EMPLOYEE'S HEARING WITHIN 30 DAYS OF THE FIRST TEST, AND THE RETEST DOES NOT CONFIRM THE RECORDABLE STS, YOU ARE NOT REQUIRED TO RECORD THE HEARING LOSS CASE ON THE MIOSHA 300 LOG. IF THE RETEST CONFIRMS THE RECORDABLE STS, YOU MUST RECORD THE HEARING LOSS ILLNESS WITHIN SEVEN (7) CALENDAR DAYS OF THE RETEST. IF SUBSEQUENT AUDIOMETRIC TESTING PERFORMED UNDER THE TESTING REQUIREMENTS OF THE R325.60110 ET SEQ., TITLED OCCUPATIONAL NOISE EXPOSURE STANDARD PART 380, INDICATES THAT AN STS IS NOT PERSISTENT, THEN YOU MAY ERASE OR LINE-OUT THE RECORDED ENTRY.

(e) ARE THERE ANY SPECIAL RULES FOR DETERMINING WHETHER A HEARING LOSS CASE IS WORK-RELATED? NO. YOU MUST USE THE REQUIREMENTS IN R 408.22110 TO DETERMINE IF THE HEARING LOSS IS WORK-RELATED. IF AN EVENT OR EXPOSURE IN THE WORK ENVIRONMENT EITHER CAUSED OR CONTRIBUTED TO THE HEARING LOSS, OR SIGNIFICANTLY AGGRAVATED A PRE-EXISTING HEARING LOSS, YOU MUST CONSIDER THE CASE TO BE WORK RELATED.

(f) IF A PHYSICIAN OR OTHER LICENSED HEALTH CARE PROFESSIONAL DETERMINES THAT THE HEARING LOSS IS NOT WORK-RELATED OR HAS NOT BEEN SIGNIFICANTLY AGGRAVATED BY OCCUPATIONAL NOISE EXPOSURE, YOU ARE NOT REQUIRED TO CONSIDER THE CASE WORK-RELATED OR TO RECORD THE CASE ON THE MIOSHA 300 LOG.

R 408.22135 Employee involvement.

Rule 1135. (1) Basic requirement. Your employees and their representatives must be involved in the recordkeeping system as follows:

- (a) You must inform each employee of how he or she is to report an injury or illness to you.
- (b) You must provide limited access to your injury and illness records for your employees and their representatives.
- (2) Implementation. What must I do to make sure that employees report work-related injuries and illnesses to me?
 - (a) You must set up a way for employees to report work-related injuries and illnesses promptly.
 - (b) You must tell each employee how to report work-related injuries and illnesses to you.
- (3) Do I have to give my employees and their representatives access to the MIOSHA injury and illness records? Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the MIOSHA injury and illness records, with some limitations, as follows:
 - ~~(i)~~ (A) Who is an authorized employee representative? An authorized employee representative is an authorized collective bargaining agent of employees.
 - ~~(ii)~~ (B) Who is a "personal representative" of an employee or former employee? A personal representative is either of the following:
 - ~~(A)~~ (i) Any person who the employee or former employee designates in writing.
 - ~~(B)~~ (ii) The legal representative of a deceased or legally incapacitated employee or former employee.
 - ~~(iii)~~ (C) If an employee or representative asks for access to the MIOSHA 300 log, when do I have to provide it? When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored MIOSHA 300 log or logs for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant MIOSHA 300 log or logs by the end of the next business day.
 - ~~(iv)~~ (D) May I remove the names of the employees or any other information from the MIOSHA 300 log before I give copies to an employee, former employee, or employee representative? No, you must leave the names on the 300 log. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the MIOSHA 300 log for certain "privacy concern cases," as specified in R 408.22129(7) to (10).
 - ~~(v)~~ (E) If an employee or representative asks for access to the MIOSHA 301 incident report, when do I have to provide it?
 - ~~(A)~~ (i) When an employee, former employee, or personal representative asks for a copy of the MIOSHA 301 incident report describing an injury or illness to that employee or former employee, you must give the requester a copy of the MIOSHA 301 incident report containing that information by the end of the next business day.
 - ~~(B)~~ (ii) When an authorized employee representative asks for copies of the MIOSHA 301 incident reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the MIOSHA 301 incident report section titled "tell us about the case." You must remove all other information from the copy of the MIOSHA 301 incident report or the equivalent substitute form that you give to the authorized employee representative.
 - ~~(vi)~~ (F) May I charge for the copies? No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

R 408.22141 Annual OSHA injury and illness survey of ~~10 or more employers~~ 11 OR MORE EMPLOYEES.

Rule 1141. (1) Basic requirement. If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report all of the following information for the year described on the form:

- (a) The number of workers you employed.
- (b) The number of hours worked by your employees.
- (c) The requested information from the records that you keep under these rules.

(2) Implementation.

(a) Does every employer have to send data to OSHA? No, each year, OSHA sends injury and illness survey forms to employers in certain industries. In any year, some employers will receive an OSHA survey form and others will not. You do not have to send injury and illness data to OSHA unless you receive a survey form.

(b) How quickly do I need to respond to an OSHA survey form? You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within 30 calendar days or by the date stated in the survey form, whichever is later.

(c) Do I have to respond to an OSHA survey form if I am normally exempt from keeping MIOSHA injury and illness records? Yes, even if you are exempt from keeping injury and illness records under R 408.22103, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records as required by R 408.22110 to R 408.22119 and make a survey report for the year covered by the survey.

(d) Do I have to answer the OSHA survey form if I am located in a state-plan state? Yes, Michigan is a state-plan state and all employers who receive survey forms must respond to the survey.

(e) Does this rule affect MIOSHA's authority to inspect my workplace? No, nothing in this rule affects MIOSHA's statutory authority to investigate conditions related to occupational safety and health.

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

**EXECUTIVE ORDER
No. 2002 - 16**

**MICHIGAN STATE COUNCIL FOR
INTERSTATE ADULT OFFENDER SUPERVISION
DEPARTMENT OF CORRECTIONS**

WHEREAS, the supervision and tracking of adult offenders across state lines is necessary to protect the citizens of the state and to prevent crime; and

WHEREAS, Congress, by enacting the Crime Control Act, being 4 U.S.C. Sec. 112 (1965), authorized and encouraged states to enter into compacts for cooperative efforts and mutual assistance in the prevention of crime; and

WHEREAS the Interstate Compact for the Adult Offender Supervision empowers states to regulate offenders interstate movement, to provide for effective tracking, supervision and rehabilitation of the offender, and to equitably distribute the costs, benefits, and obligations of the compact among the states; and

WHEREAS, Michigan is a party to the Interstate Compact for Adult Offender Supervision, and the Compact requires Michigan to create a State Council.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. The "Council" means the Council established by this order.

B. The "Department of Corrections" means the principal department of state government created by Act No. 380 of the Public Acts of 1965, being Section 16.375 of the Michigan Compiled Laws.

C. The "Interstate Commission" means the entity created by the Interstate Compact for Adult Offender Supervision.

D. The "Interstate Compact for Adult Offender Supervision" means the compact entered into by the State of Michigan in Section 2 of Act No. 40 of the Public Acts of 2002, being Section 3.1012 of the Michigan Compiled Laws.

II. MICHIGAN STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION

A. The Michigan State Council for Interstate Adult Offender Supervision is hereby created pursuant to Act No. 40 of the Public Acts of 2002, being Section 3.1012 of the Michigan Compiled Laws, within the Department of Corrections as a type II advisory body.

B. The Council shall consist of five (5) members as follows:

1. A representative of the legislature selected by the Legislative Council;
2. A representative of the judiciary selected by the Chief Justice of the Michigan Supreme Court;
3. A representative of the executive branch appointed by the Governor;
4. A representative of crime victims appointed by the Governor; and
5. The compact administrator appointed by the Governor in consultation with the legislature and the judiciary.

C. Appointees shall hold office for a term of four (4) years. However, of the appointees initially appointed, the Governor shall designate one (1) of the Governor's appointees to serve a term of one (1) year and one (1) to serve a term of (3) years, and the representative of the legislature shall serve a term of two (2) years.

D. A vacancy on the council caused by the expiration of a term or by any other cause of termination of membership on the council shall be filled in the same manner as the original appointment.

E. An appointee appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the appointee who he or she is to succeed in the same manner as the original appointment. An appointee may be reappointed for additional terms.

III. CHARGE TO THE COUNCIL

A. The Council shall appoint the compact administrator as its commissioner to serve on the interstate commission.

B. The council shall exercise oversight and advocacy concerning Michigan's participation in interstate commission activities, including, but not limited to the development of policies concerning operations and procedures of the compact within the state.

IV. OPERATIONS OF THE COUNCIL

A. The compact administrator shall direct the operations of the council.

B. The council may adopt procedures, not inconsistent with law and with this Order, governing its organization, operation, and procedure.

C. Members of the council shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The council shall act by a majority vote of its serving members.

D. The council shall meet at least annually and at the call of the compact administrator as may be provided in the procedures of the council. Meetings of the council may be held at any location within the state of Michigan and may meet by conference call or teleconference.

E. In developing recommendations, the council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The council may consult with outside experts in order to perform its duties.

F. Members of the council shall serve without compensation. Members of the council may receive reimbursement for necessary travel and expenses according to relevant statutes, rules, and procedures of the Department of Management and Budget and the Civil Service Commission.

G. Members of the council shall refer all legal, legislative, and media contacts to the Department of Correction.

H. The council shall be staffed by personnel within the Department of Corrections.

I. All departments, committees, commissioners, or officers of the state or of any political subdivision thereof shall give to the council or to any member or representative thereof, any necessary assistance required by the council, or any member or representative thereof, in the performance of the duties of the council so far as is compatible with its, his or her duties; free access shall also be given to any books, records, or documents in its, his or her custody, relating to matters within the scope of inquiry, study, or investigation of the council.

J. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this _____ day of September, in the Year of our Lord, Two Thousand Two.

GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

COUNTIES: County authority to regulate withdrawal of well
water from underground aquifer

PUBLIC HEALTH:

WATER SUPPLY:

A county board of commissioners lacks authority to adopt a countywide ordinance limiting the amount of well water that may be withdrawn from an underground aquifer.

A local health department may, by regulation, limit the amount of well water that may be withdrawn from an underground aquifer, even though the department has issued a permit to construct a well in the same aquifer, provided that (i) the regulation is necessary or appropriate to safeguard the public health; (ii) the regulation is not more restrictive than necessary to address the threat to the public health; and (iii) the regulation is at least as stringent as any standard established by state law applicable to the same or a similar subject matter.

Opinion No. 7117

September 11, 2002

Honorable A.T. Frank
State Representative
The Capitol
Lansing, MI 48909

You have asked two questions regarding a county's authority to allocate the amount of underground water that may be withdrawn by various competing classes of water users in the county. Information supplied by your office indicates that during summer months, some farmers are withdrawing greater amounts of well water for purposes of irrigating their crops, thereby lowering the level of the underground water aquifer and temporarily diminishing or depleting water available in nearby residential water wells. As a consequence, the residential water users are unable to withdraw adequate amounts of well water for drinking, cooking, bathing, and other domestic purposes.

Your first question asks whether a county has authority to adopt a countywide regulation limiting the amount of water that may be withdrawn from an underground water aquifer after issuance of a permit to install a well in the same aquifer.

Const 1963, art 7, § 1, provides that: "Each organized county shall be a body corporate with powers and immunities provided by law." Const 1963, art 7, § 8, provides that: "Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law." A county, however, has only those powers that have been granted to it by the Constitution or by the Legislature. *Alan v Wayne County*, 388 Mich 210, 245; 200 NW2d 628 (1972). A county possesses only those powers delegated to it. *Wright v Bartz*, 339 Mich 55, 60; 62 NW2d 458 (1954). A county board of commissioners has no inherent powers. *Mason County Civil Research Council v Mason County*, 343 Mich 313, 324; 72 NW2d 292 (1955).

Michigan statutes authorize various specific county ordinances - for example, certain zoning ordinances (MCL 125.201 *et seq*), animal control ordinances (MCL 287.289a), and noxious weed ordinances (MCL 247.70). Beyond such instances of express statutory authorization, noncharter counties possess only the authority to adopt ordinances pursuant to section 11(j) of the County Boards of Commissioners Act (County Act), 1851 PA 156, MCL 46.1 *et seq*, which provides, in relevant part, as follows:

A county board of commissioners, at a lawfully held meeting, may do 1 or more of the following:

* * *

(j) By majority vote of the members of the county board of commissioners elected and serving, *pass ordinances that relate to county affairs* and do not contravene the general laws of this state or interfere with the local affairs of a township, city, or village within the limits of the county, [Emphasis added.]

County ordinances must relate to, and are restricted to, affairs of the county, and may not interfere with the local affairs of cities, villages, or townships. OAG, 1989-1990, No 6665, pp 401, 403 (November 15, 1990); OAG, 1969-1970, No 4696, pp 197, 200 (November 25, 1970).¹ OAG, 1969-1970, No 4696, *supra*, at 200, concluded that noncharter counties would be interfering with cities, villages, and townships by adopting an air pollution control ordinance where cities, villages, and townships already had the power to adopt such ordinances. Similarly, OAG, 1971-1972, No 4741, p 82 (April 3, 1972), concluded that a county lacked authority to adopt an ordinance prohibiting the discharge of firearms within the county. More recently, OAG, 1989-1990, No 6665, *supra*, concluded that a county lacked authority to regulate or prohibit the placement of cigarette vending machines, and OAG, 2001-2002, No 7096, p 66 (December 26, 2001), concluded that a county lacked authority to adopt a countywide noise control ordinance.

A *countywide* well water supply ordinance, if adopted, would apply beyond the affairs of a county. County affairs are "affairs relating to the county in its organic and corporate capacity and included within its governmental or corporate powers." See OAG, 1945-1946, No 0-4471, *supra*, at 639. On the other hand, a county could enact a narrow well water supply ordinance provided that the ordinance is limited to the regulation of water wells on property owned or occupied by the county government or its boards, commissions, or agencies. See OAG, 1989-1990, No 6665, *supra*, concluding that although counties lack authority to regulate the placement of cigarette vending machines within their respective borders, they may regulate such activity on county property. See also OAG, 2001-2002, No 7096, *supra*, concluding that although counties lack

¹ See also OAG, 1928-1930, p 477 (July 13, 1929); 1 OAG, 1957, No 2973, p 168 (April 12, 1957). Several Attorney General opinions have concluded that the regulation of various activities exceeded the authority of a county board of commissioners, including a county's regulation of "loud speaking equipment" on automobiles operating on county roads, OAG, 1941-1942, No 22046, p 448 (December 16, 1941); the handling of foodstuffs and beverages, OAG, 1943-1944, No 24970, p 163 (November 24, 1942); Sunday beer sales, OAG, 1943-1944, No 0-402, p 320 (March 16, 1943); the operation of motor boats, OAG, 1943-1944, No 0-1394, p 563 (October 18, 1943); loitering by minors where liquor is sold, OAG, 1945-1946, No 0-4471, p 639 (March 15, 1946); and Sunday sales of personal property, 1 OAG, 1957, No 2973, *supra*.

authority to pass a countywide noise ordinance, counties may regulate noise on county property. Additional support for a county's limited authority to regulate its own property is found in sections 11(l) and (m) of the County Act that authorize a county board to manage the county's property (subsection (l)) and manage the interests and business concerns of the county (subsection (m)).

The Legislature has, however, vested local health departments with authority to regulate matters having a direct effect upon the public health. The Public Health Code, 1978 PA 368, MCL 333.1101 *et seq.*, grants to local health departments broad authority to adopt regulations necessary or appropriate to carry out their duties to protect the public health. Local health departments shall "promote the public health through organized programs, including prevention and control of environmental health hazards." Section 2433(1). Local health departments may "[a]dopt regulations to properly safeguard the public health and to prevent the spread of diseases and sources of contamination," (section 2435(d)), and may "adopt regulations necessary or appropriate to implement or carry out the duties or functions vested by law in the local health department." Section 2441(l). Regulations adopted by a county health department take precedence over inconsistent local regulations. *Id.* OAG, 1995-1996, No 6898, p 158 (May 1, 1996). Given the broad authority of local health departments to protect the public health, including authority to control environmental health hazards, and to adopt appropriate regulations, counties may, through their local health departments, regulate the amounts of well water withdrawn from an underground aquifer, provided that such regulation is necessary to protect public health. The regulation must be approved by the county board of commissioners, be at least as stringent as any standard established by state law (section 2441(1)), and be adopted only after notice and a public hearing. Section 2442. A person who violates a local health department regulation is guilty of a misdemeanor. Section 2441(2).

While counties and their agencies have only that authority delegated to them by constitution or statute, such authority "shall be liberally construed in their favor." Const 1963, art 7, § 34. OAG, 1999-2000, No 7063, p 148 (October 12, 2000), which addressed the authority of a local health department to regulate the construction of water wells, concluded that a local health department could require a permit for the construction of a water well on state university property. Local regulations lawfully adopted pursuant to statutory and constitutional authority are generally upheld if reasonably related to the protection of the public health and safety, not more restrictive than necessary to accomplish a legitimate purpose, and not preempted by state or federal law. 56 Am Jur 2d, Municipal Corporations, Counties, and Other Political Subdivisions §§ 398-399, 438-439, pp 436, 478.

Where a permit for the construction of a well has already issued, a local health department is not foreclosed from regulating the amount of well water withdrawn from an underlying aquifer. The authority to issue a permit generally includes the authority to alter, amend, or modify the permit, or to subject the permit holder to further regulations. In *Dobbins v Los Angeles*, 195 US 223, 238-239; 25 S Ct 18; 49 L Ed 169 (1904), the U.S. Supreme Court observed that a municipality does not relinquish its police power by granting a permit:

[T]he right to exercise the police power is a continuing one, and a business lawful today may in the future, because of the changed situation, the growth of population or other causes, become a menace to the public health and welfare, and be required to yield to the public good. But the exercise of the police power is subject to judicial review and property rights cannot be wrongfully destroyed by arbitrary enactment. [Citations omitted.]

This principle was recognized in *Public Lands Council v Babbitt*, 529 US 728; 120 S Ct 1815; 146 L Ed 2d 753 (2000), where the U.S. Supreme Court upheld the Secretary of the Interior's right to modify existing permits issued for grazing on federal land. This principle has also been recognized by the Michigan Court of

Appeals, which held that a telephone company's existing license to use the streets for telephone lines remained subject to the city's police power to construct a sewage treatment facility. *Michigan Bell Tel Co v Detroit*, 106 Mich App 690; 308 NW2d 608 (1981).

It is my opinion, therefore, in answer to your first question, that a county board of commissioners lacks authority to adopt a countywide ordinance limiting the amount of well water that may be withdrawn from an underground aquifer.

It is my further opinion that a local health department may, by regulation, limit the amount of well water that may be withdrawn from an underground aquifer, even though the department has issued a permit to construct a well in the same aquifer, provided that (i) the regulation is necessary or appropriate to safeguard the public health; (ii) the regulation is not more restrictive than necessary to address the threat to the public health; and (iii) the regulation is at least as stringent as any standard established by state law applicable to the same or a similar subject matter.

Your second question asks whether enforcement of a local health department regulation limiting the amount of well water that may be withdrawn from an underground aquifer could constitute a taking of property requiring just compensation.

Under the Michigan Constitution, private property cannot be taken for public use unless "just compensation" is first made or secured. Const 1963, art 10, § 2. The determination whether a restriction on the use of one's property constitutes a taking has been construed to require a "case-specific inquiry." *K & K Construction v Dep't of Natural Resources*, 456 Mich 570, 576; 575 NW2d 531 (1998). Although "if

regulation goes too far it will be recognized as a taking," courts have acknowledged that this general rule does not lend itself to bright-line rules or precise formulations. *Tahoe-Sierra Preservation Council, Inc v Tahoe Regional Planning Agency*, 535 US ___, 122 S Ct 1465, 1480-1481; 152 L Ed 2d 517 (2002) (quoting Justice Holmes' opinion in *Pennsylvania Coal Co v Mahon*, 260 US 393; 43 S Ct 158; 67 L Ed 322 (1922)).

Thus, while it is not possible to provide a definitive answer to your second question, there are two situations where an actionable taking of property may be found based on what have been described as "categorical" or "per se" rules: (1) where government action results in the physical invasion or actual appropriation of property; and (2) where government action results in the denial of all economically beneficial or productive use of land. *K & K Construction*, 456 Mich at 576-577. An actionable taking claim may also be based on the traditional "balancing test." *Id.* Factors to be considered in determining if there has been an actionable taking include: (1) the regulation's economic effect on the landowner, (2) the extent to which the regulation interferes with reasonable investment-backed expectations, and (3) the character of the government action. *Palazzolo v Rhode Island*, 533 US 606, 617; 121 S Ct 2448; 150 L Ed 2d 592 (2001); *K & K Construction*, 456 Mich at 577. In applying these standards, it should also be noted that under Michigan law, users of water from an underground aquifer have only qualified rights to the use of that water. Such water cannot be owned; rather, it can merely be used. *United States Aviex Co v Travelers Inc Co*, 125 Mich App 579; 336 NW2d 838 (1983). Moreover, groundwater from an aquifer cannot be used so extensively as to deprive other owners of land over that aquifer of its use. *Id.*, *Maerz v United States Steel Corp*, 116 Mich App 710; 323 NW2d 524 (1982).

In the end, however, the determination whether enforcement of a local health department regulation limiting the amount of well water that may be withdrawn from an underground aquifer could constitute a taking of property requiring just compensation is a fact-driven inquiry that will turn on the specific nature and terms of the regulation, and the facts and circumstances under which it is adopted and applied.

JENNIFER M. GRANHOLM
Attorney General

OPINIONS OF THE ATTORNEY GENERAL

LICENSES AND PERMITS: Secretary of State furnishing names and
addresses of motor vehicle license applicants

MOTOR VEHICLES:

PRIVACY:

SECRETARY OF STATE:

The Michigan Vehicle Code does not require the Michigan Secretary of State to furnish the names and addresses of persons eligible to take road tests to private persons or entities that are under contract with the state to provide road test services.

Opinion No. 7118

September 11, 2002

Honorable Ken DeBeaussiaert
State Senator
The Capitol
Lansing, MI 48909-7536

You have asked whether the Michigan Vehicle Code requires the Michigan Secretary of State to furnish lists of names and addresses of persons eligible to take road tests to private persons or entities that are under contract with the state to provide road test services.

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 *et seq*, provides for the examination and licensing of operators of motor vehicles. Before issuing a license, the Secretary of State shall examine each applicant for an operator's or chauffeur's license. Section 309(1). The examination shall include a behind-the-wheel road test conducted by the Secretary of State or her designee. Section 309(4). The Secretary of State may enter into an agreement with "another public or private person or agency" to conduct the road test and, if

she does, may prescribe the method and examination criteria. *Id.* The Secretary of State has entered into over 200 agreements with private third-party testers to provide behind-the-wheel road tests.

Information supplied with your request indicates that a private third-party tester has requested the Secretary of State to provide it with a list of names and addresses. The tester wishes to use the information for solicitation purposes, namely to inform these persons that they are eligible to take a road test and that the third-party tester is available to provide such a test.

The answer to your question requires an analysis of the following privacy provisions contained in the Vehicle Code. Section 208(c)(1) provides that personal information in a record maintained under the Vehicle Code "shall not be disclosed" unless permitted in that section or unless permitted by section 232.¹ Section 208c(3)(a), the statutory exception most germane to your question, provides that such information *may* be disclosed by the Secretary of State as follows:

(a) For use by a federal, state, or local governmental agency, including a court or law enforcement agency, in carrying out the agency's functions, or by a *private person or entity acting on behalf of a governmental agency in carrying out the agency's functions.* [Emphasis added.]

Section 232(1), which reiterates the Secretary of State's *discretion* to release driver record information, provides that:

Upon request, the Secretary of State *may* furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a *private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions.* [Emphasis added.]

¹ A person who uses personal information for a purpose other than a permissible purpose identified in section 208(c) or 232 is guilty of a felony. Section 903(1).

Although section 232(1) gives the Secretary of State discretion to release driver record information to certain specified persons, section 232(3) specifically prohibits the furnishing of this information for marketing or solicitation purposes:

The secretary of state or any other state agency shall not sell or furnish any list of information under subsection (2) for the purpose of surveys, marketing, and solicitations. . . .

The first step in ascertaining legislative intent is to look to the text of the statute. *Piper v Pettibone Corp*, 450 Mich 565, 571; 542 NW2d 269 (1995). Clear and unambiguous statutory language must be enforced by the court as written according to its plain meaning. *Dean v Dep't of Corrections*, 453 Mich 448, 454; 556 NW2d 458 (1996).

Here, the statutory language is clear. A plain reading of sections 208(c) and 232 of the Vehicle Code demonstrates that the Secretary of State may, but is not required, to furnish driver record information to private third-party testers, provided, however, that disclosure is only for purposes of carrying out the tester's functions on behalf of the state agency. Moreover, section 232(3) expressly prohibits the Secretary of State from furnishing driver record information for marketing or solicitation purposes.

In contracting with third parties to provide behind-the-wheel road tests, the Secretary of State has not committed her department to furnishing driver record information to the testers. A review of the form agreement currently used between the Secretary of State and third-party testers discloses no reason why the furnishing of such information to third-party testers is essential to their performance of road tests.

It is my opinion, therefore, that the Michigan Vehicle Code does not require the Michigan Secretary of State to furnish the names and addresses of persons eligible to take road tests to private persons or entities that are under contract with the state to provide road test services.

JENNIFER M. GRANHOLM
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2002 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		472	Yes	1/21	1/23	01/23/02	STATE; Funds; children's trust fund; revise investment options. (Sen. S. Johnson)
2	5027		Yes	1/21	1/23	01/23/02	HIGHWAYS; Name; renaming certain portion of M-69; designate as "Oscar G. Johnson Memorial Highway". (Rep. D. Bovin)
3		430	No	2/6	2/7	**	ENVIRONMENTAL PROTECTION; Other; dark sky preserve; repeal sunset. (Sen. B. Hammerstrom)
4		471	Yes	2/6	2/7	02/07/02	FINANCIAL INSTITUTIONS; Other; licensing of residential mortgage originator; clarify. (Sen. B. Leland)
5		615	Yes	2/6	2/7	02/07/02	HIGHWAYS; Name; renaming a certain portion of US-127; establish as the "Gary Priess Memorial Highway." (Sen. V. Garcia)
6	5436		Yes	2/14	2/14	02/14/02	PROPERTY; Conveyances; transfer of certain state owned properties in Tuscola county and Wayne county; provide for. (Rep. T. Meyer)
7		682	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in divorce law; enact change necessitated by 2001 PA 107. (Sen. B. Hammerstrom)
8		683	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in the family support act; enact changes necessitated by 2001 PA 111. (Sen. B. Hammerstrom)
9		684	Yes	2/14	2/14	02/14/02	CHILDREN; Support; citation in child custody act; enact change necessitated by 2001 PA 108. (Sen. B. Hammerstrom)
10		434	Yes	2/14	2/14	02/14/02	CHILDREN; Protection; reporting suspected child abuse or neglect; clarify provisions and add categories of mandated reporters. (Sen. B. Hammerstrom)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
11	4195		Yes	2/18	2/19	02/19/02	HEALTH FACILITIES; Nursing homes; individual responsible for receiving complaints and conducting complaint investigations; require nursing home to have such individual available 24 hours per day, 7 days per week. (Rep. B. Patterson)
12	4980		Yes	2/18	2/19	02/19/02	HIGHWAYS; Name; renaming certain portion of I-69; designate as "Purple Heart Highway." (Rep. P. DeWeese)
13	5005		Yes	2/18	2/19	2/19/02	TRANSPORTATION; Other; motor fuels quality; revise standards and penalties. (Rep. L. Julian)
14	5009		Yes	2/18	2/19	2/19/02	CHILDREN; Abuse or neglect; failure to report; increase penalties. (Rep. M. Middaugh)
15	4487		Yes	2/21	2/21	2/21/02	COMMERCIAL CODE; Sales; price of goods for which a writing is required for an enforceable contract; increase minimum to \$1,000.00. (Rep. J. Koetje)
16	4009		Yes	2/27	2/28	2/28/02	AGRICULTURE; Other; low-interest loans for certain agricultural disasters; provide for. (Rep. R. Jelinek)
17	4812		Yes	2/28	3/1	3/1/02	LIENS; Generally; ownership and lien rights of dies, molds, and forms ; revise. (Rep. A. Richner)
18	5382		Yes	2/28	3/1	3/1/2002 #	COMMERCIAL CODE; Secured transactions; reference to molder's lien act in secured transactions; amend uniform commercial code to provide. (Rep. M. Mortimer)
19	5023		Yes	3/4	3/4	03/04/02	COUNTIES; Other; recording requirements of register of deeds; revise. (Rep. A. Sanborn)
20	5024		Yes	3/4	3/4	03/04/02	PROPERTY; Land contracts; contracts for sale of land; eliminate witness requirement. (Rep. A. Sanborn)
21	5025		Yes	3/4	3/4	03/04/02	LAND USE; Land division; signatures on proprietor's certificate on the plat; eliminate witness requirement. (Rep. A. Sanborn)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
22	5186		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; requirement for medical examiner to live in county of appointment; eliminate, and repeal acts and parts of acts. (Rep. G. Van Woerkom)
23	5022		Yes	3/4	3/4	03/04/02	COUNTIES ; Employees and officers; procedure for recording deeds and mortgages; eliminate witness requirement. (Rep. A. Sanborn)
24		505	No	3/5	3/6	** #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guideline provisions for possession of firearms on commercial airport property; provide for. (Sen. P. Hoffman)
25		718	Yes	3/5	3/6	03/06/02	WORKER'S COMPENSATION ; Insurers; certain assessments; revise. (Sen. B. Bullard Jr.)
26		496	Yes	3/5	3/6	03/06/02	INSURANCE ; Insurers; service of process in certain cases; provide for. (Sen. B. Bullard Jr.)
27	4028		Yes	3/5	3/6	03/06/02	LOCAL GOVERNMENT ; Other; spot blight designation and acquisition; provide for. (Rep. A. Richner)
28	5389		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. McConico)
29	5390		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. W. O'Neil)
30	5391		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
31	5392		Yes	3/7	3/7	04/01/02	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. L. Julian)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
32		493	Yes	3/7	3/7	03/07/02	INSURANCE ; Other; requirement for commissioner to obtain approval of a circuit court judge before issuing a subpoena in certain cases; eliminate. (Sen. B. Bullard Jr.)
33	5483		Yes	3/7	3/7	3/7/2002 #	BUSINESSES ; Nonprofit corporations; career development and distance learning; provide for in nonprofit corporation act. (Rep. J. Gilbert II)
34	5393		Yes	3/7	3/7	***	CRIMINAL PROCEDURE ; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
35		541	Yes	3/7	3/7	05/15/02	AERONAUTICS ; Other; general amendments; provide for. (Sen. W. North)
36	5482		Yes	3/7	3/7	03/07/02	BUSINESSES ; Nonprofit corporations; establishment and operation of registered distance learning corporations; authorize. (Rep. J. Allen)
37		604	Yes	3/7	3/7	03/07/02	INSURANCE ; Property and casualty; mandatory exams of rating organizations; eliminate. (Sen. V. Garcia)
38		605	Yes	3/7	3/7	03/07/02	INSURANCE ; No-fault; reference to public service commission certification; revise to the department of transportation. (Sen. M. Goschka)
39	5139		Yes	3/11	3/12	03/12/02	EDUCATION ; School districts; access to high school campus and certain student directory information for official armed forces recruiting representatives; require. (Rep. W. Kuipers)
40	4690		Yes	3/11	3/12	03/12/02	STATE ; Interstate compacts and agreements; Michigan participation in the interstate compact for adult offender supervision; establish. (Rep. C. LaSata)
41	5337		Yes	3/11	3/12	03/12/02	TRANSPORTATION ; Carriers; weight restrictions on certain highways or roads; revise. (Rep. J. Gilbert II)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4987		Yes	3/12	3/12	03/12/02	OCCUPATIONS; Real estate; procedure for a deposit held by an escrowee; clarify. (Rep. M. Bishop)
43		180	Yes	3/13	3/14	03/14/02	CRIMES; Prostitution; qualifying underlying offenses to establish second, third, and subsequent offense violations; amend. (Sen. B. Schuette)
44	4325		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; criteria for determining prior prostitution offenses; amend to include consideration of local ordinance violations. (Rep. C. Bisbee)
45	5449		Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit restricting prosecution for certain prostitution violations; revise, and eliminate requirement of knowledge of age of child for certain other sex-related crimes. (Rep. J. Gilbert II)
46		1029	Yes	3/13	3/14	6/1/2002 #	CRIMES; Prostitution; age limit for charging certain prostitution violations; revise. (Sen. T. McCotter)
47	5033		Yes	3/13	3/14	6/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of soliciting child to commit an immoral act; enact. (Rep. M. Kowall)
48		880	Yes	3/14	3/14	11/1/2002 #	PUBLIC UTILITIES; Other; fee structures for use of public rights-of-way; provide for. (Sen. J. Schwarz)
49		881	Yes	3/14	3/14	03/14/02	COMMUNICATIONS; Telecommunications; Michigan community communications development authority; create. (Sen. L. Stille)
50		999	Yes	3/14	3/14	3/14/2002 #	PROPERTY TAX; Other; credit for the purchase and installation of certain telecommunications equipment; provide for. (Sen. V. Garcia)

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51	4672		Yes	3/12	3/15	03/15/02	EDUCATION ; Other; model local policy concerning the administration of medications to students at school; provide for. (Rep. J. Hansen)
52		796	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; natural resources trust fund; provide for expanded investment authority. (Sen. G. McManus Jr.)
53		797	Yes	3/12	3/15	*** #	VETERANS ; Trust fund; investment authority; expand. (Sen. V. Garcia)
54		798	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; state parks endowment fund; provide for expanded investment authority. (Sen. C. Dingell)
55		799	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; nongame fish and wildlife trust fund; expand investment authority. (Sen. A. Smith)
56		800	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; game and fish protection trust fund; expand investment authority. (Sen. L. Bennett)
57		801	Yes	3/12	3/15	*** #	NATURAL RESOURCES ; Trust funds; Michigan civilian conservation corps endowment fund; expand investment authority. (Sen. D. Koivisto)
58	5404		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Allen)
59	5405		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of school districts to pay for loans from state; modify. (Rep. M. Bishop)
60	5406		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority for emergency loans for school districts; repeal. (Rep. L. DeVuyst)
61	5407		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Gilbert II)

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62	5408		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Howell)
63	5409		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Koetje)
64	5410		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Middaugh)
65	5414		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Thomas III)
66	5412		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. G. Van Woerkom)
67	5413		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. S. Vear)
68	5416		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. L. Lemmons III)
69	5417		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. A. Lipsey)
70	5418		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. J. Rivet)
71	5419		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the school aid act; modify. (Rep. M. Waters)
72	5420		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. P. Zelenko)
73	5423		Yes	3/14	3/15	03/15/02	LOCAL GOVERNMENT ; Bonds; bonding authority of community colleges; modify. (Rep. M. Pumford)

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74		592	Yes	3/14	3/15	03/15/02	INSURANCE; Third party administrators; requirement that third party administrators have administrative service manager; eliminate. (Sen. B. Bullard Jr.)
75		692	Yes	3/14	3/15	03/15/02	LAND USE; Farmland and open space; agricultural conservation easement or purchase of development rights; provide that entry into automatically terminates development rights agreement without lien and entitles landowner to tax credit and revise circumstances for relinquishment of farmland from development rights agreement. (Sen. B. Hammerstrom)
76	5119		Yes	3/14	3/15	03/15/02	LIQUOR; Licenses; small distillery license fee; decrease. (Rep. S. Rocca)
77	5585		Yes	3/21	3/21	03/21/02	CIVIL PROCEDURE; Civil actions; interest on judgment on a written instrument evidencing indebtedness that bears an interest rate; revise to make application of recent change prospective and provide mechanism for fixing rate when instrument bears a variable interest rate. (Rep. A. Richner)
78	5205		Yes	3/25	3/25	03/25/02	TRANSPORTATION; Carriers; number of axles allowed on certain designated highways; clarify. (Rep. J. Gilbert II)
79	4859		Yes	3/25	3/25	03/25/02	CORRECTIONS; Employees; record of controlled substance offenses that were subject to dismissal and discharge; allow to be used by department of corrections or law enforcement agencies for specified purposes. (Rep. L. Julian)
80	5434		No	3/25	3/25	**	TRADE; Other; grain dealers act; provide general amendments. (Rep. T. Meyer)
81	4860		Yes	3/25	3/25	03/25/02	NATURAL RESOURCES; Hunting; requirement for lottery to issue wild turkey hunting license; eliminate. (Rep. M. Mortimer)

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82	5026		Yes	3/25	3/26	03/26/02	WEAPONS; Firearms; transportation requirements for certain firearms ; clarify. (Rep. S. Vear)
83		884	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in vocational education acts; eliminate. (Sen. T. McCotter)
84		885	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in social welfare act; eliminate. (Sen. T. McCotter)
85		886	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding commitment to certain institutions; eliminate. (Sen. T. McCotter)
86		888	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general regarding certain auction duties; eliminate. (Sen. T. McCotter)
87		890	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; act regarding Michigan dairymen's association; repeal. (Sen. T. McCotter)
88		894	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the code of criminal procedure; eliminate. (Sen. T. McCotter)
89		895	Yes	3/25	3/26	03/26/02	LEGISLATURE; Auditor general; reference to auditor general in the prison code; eliminate. (Sen. T. McCotter)
90		690	Yes	3/26	3/26	03/26/02	STATE; Authorities; authority to oversee the operation of certain types of airports including Detroit metropolitan Wayne county airport; create. (Sen. G. Steil)
91	5216		Yes	3/26	3/27	4/9/2002 #	ELECTIONS; Voting equipment; uniform statewide voting system; provide for under certain conditions. (Rep. B. Patterson)
92	5674		No	3/27	3/27	**	COURTS; Circuit court; certain judicial circuits and judicial districts; reform, and allow the office of district judge and probate judge to be combined in certain counties. (Rep. K. Bradstreet)

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93	5732		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; early retirement for certain state employees; allow under certain circumstances. (Rep. P. DeWeese)
94	5110		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Public school employees; public pension protection and health advance funding; provide for. (Rep. S. Caul)
95	5112		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Judges; public pension protection; provide for. (Rep. A. Lipsey)
96	5113		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State police; public pension protection; provide for. (Rep. C. Brown)
97	5114		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Legislative; public pension protection; provide for. (Rep. S. Thomas III)
98	5111		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Fire and police; public pension protection; provide for. (Rep. J. Howell)
99	5109		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; State employees; public pension protection; provide for. (Rep. J. Voorhees)
100	5108		Yes	3/27	3/27	3/27/2002 #	RETIREMENT ; Generally; public pension protection act; enact. (Rep. J. Vander Roest)
101	5125		Yes	3/27	3/27	07/01/02	CRIMES ; Larceny; manufacture, distribution, or possession of a theft detection shielding device or of a tool designed to deactivate or remove a theft detection device; prohibit and provide penalties. (Rep. M. Bishop)
102	5126		Yes	3/27	3/27	7/1/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for a theft detection device offense; enact. (Rep. M. Bishop)
103		887	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding compensation of injured peace officers; eliminate. (Sen. T. McCotter)
104		889	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general regarding protective committees; eliminate. (Sen. T. McCotter)

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105		892	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in the insurance code of 1956; eliminate. (Sen. T. McCotter)
106		896	Yes	3/27	3/27	03/27/02	LEGISLATURE ; Auditor general; reference to auditor general in university funds; eliminate. (Sen. T. McCotter)
107	5145		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Other; conservation district annual meeting; allow for change of date. (Rep. D. Mead)
108	4937		Yes	3/27	3/27	03/27/02	NATURAL RESOURCES ; Fishing; minimum age for voluntary all-species fishing license; eliminate. (Rep. S. Tabor)
109		543	Yes	3/27	3/27	07/01/02	LIENS ; Garage keepers; garage keeper's lien act; clarify certain procedures. (Sen. L. Bennett)
110		678	Yes	3/27	3/27	03/27/02	USE TAX ; Collections; motor vehicles held for resale; define price tax base. (Sen. B. Bullard Jr.)
111	5327		Yes	4/1	4/1	04/01/02	EDUCATION ; Curricula; model financial literacy programs; provide for. (Rep. M. Bishop)
112		730	Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE ; Search and seizure; search warrant affidavits; revise procedures. (Sen. S. Johnson)
113		930	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; certain acts relating to terrorism; prohibit and provide penalties. (Sen. D. DeGrow)
114		936	Yes	3/29	4/1	5/1/2002 #	CRIMINAL PROCEDURE ; Grand jury; certain grand jury information regarding terrorism-related offenses; clarify information sharing procedures. (Sen. B. Bullard Jr.)
115		939	Yes	3/29	4/1	4/22/2002 #	CRIMES ; Other; crime of obtaining certain diagrams or descriptions of vulnerable targets with the intent to commit a terrorist act; create. (Sen. J. Schwarz)

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116		940	Yes	3/29	4/1	4/22/2002 #	CRIMES; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include stadiums, critical transportation infrastructures, and public services providers. (Sen. W. North)
117		942	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; use of the internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations; provide penalties. (Sen. B. Hammerstrom)
118		943	Yes	3/29	4/1	05/01/02	TRANSPORTATION; Carriers; penalties for the transportation of hazardous materials without a hazardous materials endorsement; increase. (Sen. K. Sikkema)
119		948	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Statute of limitations; statute of limitations for certain crimes involving terrorism; eliminate. (Sen. M. Goschka)
120		949	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing; restitution to all governmental entities for terrorist activities; require. (Sen. L. Bennett)
121		994	Yes	3/29	4/1	04/01/02	MILITARY AFFAIRS; Other; military leaves and reemployment protection for members of the military who have been called to active service; clarify. (Sen. A. Miller Jr.)
122		995	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. D. Koivisto)
123		996	Yes	3/29	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of certain threats and false reports relating to terrorism; enact. (Sen. D. Byrum)
124		997	Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; terrorism; include as predicate offense for racketeering violation. (Sen. B. Leland)

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125		1005	Yes	3/29	4/1	04/01/02	HEALTH FACILITIES; Hospitals; biohazard detection and handling plan; require each hospital to establish. (Sen. M. Scott)
126	4037		Yes	3/29	4/1	04/22/02	TRAFFIC CONTROL; Driver license; penalties for an individual who reproduces, alters, counterfeits, forges, or duplicates a license photograph; increase. (Rep. J. Faunce)
127	5041		Yes	3/29	4/1	4/22/2002 #	TRAFFIC CONTROL; Driver license; sentencing guidelines for crimes relating to forging driver licenses; enact. (Rep. J. Kooiman)
128	5270		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Search and seizure; search warrant affidavits; declare to be nonpublic information. (Rep. S. Caul)
129	5295		Yes	3/29	4/1	04/22/02	CRIMINAL PROCEDURE; Jurisdiction; jurisdiction for prosecution of criminal offense; clarify. (Rep. G. DeRossett)
130	5349		Yes	3/29	4/1	05/01/02	CIVIL RIGHTS; Public records; critical infrastructure; exempt from freedom of information act. (Rep. M. Shulman)
131	5495		Yes	3/29	4/1	4/22/2002 #	CRIMES; Other; certain acts relating to terrorism; prohibit and provide penalties. (Rep. J. Howell)
132	5496		Yes	3/29	4/1	05/01/02	STATE; Planning; Michigan emergency management act; revise powers and duties. (Rep. G. Newell)
133	5501		Yes	3/29	4/1	05/01/02	MILITARY AFFAIRS; Other; procedure for granting immunity to certain military personnel ordered to respond to acts or threats of terrorism, procedure for apprehending individuals, access restrictions to real property used for military purposes, and plans for defense of state; authorize and clarify. (Rep. R. Richardville)

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134	5506		Yes	3/29	4/1	04/22/02	CRIMES ; Other; crime of using, delivering, or possessing an imitation explosive; include possession as violation. (Rep. C. Phillips)
135	5507		Yes	3/29	4/1	04/22/02	CRIMES ; Other; penalties for knowingly placing a harmful substance in food or water supply; increase. (Rep. G. Woronchak)
136	5509		Yes	3/29	4/1	4/22/2002 #	CRIMES ; Money laundering; terrorism; include in definition of "specified criminal offense". (Rep. N. Quarles)
137		946	Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Sen. W. Van Regenmorter)
138		468	Yes	4/1	4/1	04/01/02	PROPERTY ; Conveyances; certain parcels of state owned property in Genesee, Wayne, and Kalkaska counties; provide for conveyance. (Sen. J. Cherry Jr.)
139		899	Yes	4/1	4/1	04/01/02	LEGISLATURE ; Auditor general; reference to auditor general for federal roads; eliminate. (Sen. T. McCotter)
140	5511		Yes	4/1	4/1	4/22/2002 #	CRIMES ; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include certain other structures and facilities. (Rep. L. Toy)
141	5512		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE ; Other; compensation to victims and payment of expenses for government response for terrorism-related offenses; provide for. (Rep. G. Jacobs)
142	5513		Yes	4/1	4/1	05/01/02	CRIMINAL PROCEDURE ; Forfeiture; seizure and forfeiture of property used in connection with a terrorism-related offense; provide for. (Rep. C. LaSata)

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143	5520		Yes	4/1	4/1	4/22/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. (Rep. D. Bovin)
144		1105	Yes	4/1	4/1	4/1/2002 +	APPROPRIATIONS; Higher education; higher education; provide for fiscal year 2002-2003. (Sen. J. Schwarz)
145		902	Yes	4/1	4/2	04/02/02	LEGISLATURE; Auditor general; reference to auditor general in hospitals and sanatoria; eliminate. (Sen. T. McCotter)
146	5400		Yes	4/1	4/2	04/02/02	INSURANCE; Life; ability to provide excess loss insurance; provide for. (Rep. L. Julian)
147	5328		Yes	4/1	4/2	04/02/02	PROPERTY; Land contracts; definition of “real estate mortgage”; clarify. (Rep. M. Bishop)
148	5118		Yes	Unsigned	4/5	04/05/02	NATURAL RESOURCES; Gas and oil; slant drilling beneath Great Lakes; prohibit except for existing leases. (Rep. S. Shackleton)
149	5021		Yes	4/8	4/8	07/01/02	TRAFFIC CONTROL; Speed restrictions; penalties for violation of speed limit in construction zone; increase number of points added to driving record. (Rep. J. Allen)
150		811	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
151		812	Yes	4/8	4/8	04/08/02	TRANSPORTATION; Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. (Sen. B. Bullard Jr.)
152	5422		Yes	4/8	4/8	04/08/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. T. Meyer)

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153		897	Yes	4/8	4/8	04/08/02	LEGISLATURE ; Auditor general; reference to auditor general regarding veterans' trust funds; eliminate. (Sen. T. McCotter)
154		898	Yes	4/8	4/8	04/08/02	LEGISLATURE ; Auditor general; reference to auditor general in state board of equalization; eliminate. (Sen. T. McCotter)
155		900	Yes	4/8	4/8	04/08/02	AGRICULTURE ; Other; act to reimburse for pest eradication; repeal. (Sen. T. McCotter)
156		901	Yes	4/8	4/8	04/08/02	LEGISLATURE ; Auditor general; reference to auditor general for agricultural college lands; eliminate. (Sen. T. McCotter)
157		385	Yes	4/8	4/8	01/01/03	EDUCATION ; Board members; requirements for nomination as a candidate for office of school board; revise. (Sen. K. Sikkema)
158		386	Yes	4/8	4/8	01/01/03	ELECTIONS ; Candidates; requirements for nomination as a candidate for county commissioner; revise. (Sen. T. McCotter)
159		387	Yes	4/8	4/8	01/01/03	LIBRARIES ; District; requirements for nomination as a candidate for district library board; revise. (Sen. B. Hammerstrom)
160		388	Yes	4/8	4/8	01/01/03	LIBRARIES ; Other; requirements for nomination as a candidate for office of library board; revise. (Sen. B. Hammerstrom)
161		1100	Yes	4/8	4/8	04/08/02	APPROPRIATIONS ; Community colleges; community and junior colleges; provide for fiscal year 2002-2003. (Sen. H. Gast)
162		397	Yes	4/8	4/8	04/08/02	STATE ; Symbol; mastodon; establish as state fossil. (Sen. T. McCotter)
163	5335		Yes	4/9	4/9	04/09/02	ELECTIONS ; Ballots; provisions regulating names and designations on ballots; revise and clarify. (Rep. A. Richner)
164		346	Yes	4/10	4/11	04/11/02	TORTS ; Liability; definition of wrongful or negligent act against a pregnant individual; expand to include the death of the embryo or fetus. (Sen. W. Van Regenmorter)

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+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
165		971	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
166		973	Yes	4/10	4/11	04/11/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. D. Byrum)
167		903	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to auditor general regarding certain universities; eliminate. (Sen. T. McCotter)
168		904	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general for certain forest roads; eliminate. (Sen. T. McCotter)
169		905	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain education funds; eliminate. (Sen. T. McCotter)
170		906	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in Michigan agricultural college act; eliminate. (Sen. T. McCotter)
171		907	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in sanatoriums act; eliminate. (Sen. T. McCotter)
172		908	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in military bonus bonds act; eliminate. (Sen. T. McCotter)
173		909	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in veterans' military pay act; eliminate. (Sen. T. McCotter)
174		910	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in Korean veterans' pay act; eliminate. (Sen. T. McCotter)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
175		911	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in insect and pests act; eliminate. (Sen. T. McCotter)
176		912	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding bonds for certain state officers; eliminate. (Sen. T. McCotter)
177		913	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general in certain state lands; eliminate. (Sen. T. McCotter)
178		915	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain school taxes; eliminate. (Sen. T. McCotter)
179		916	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain state land; eliminate. (Sen. T. McCotter)
180		918	Yes	4/23	4/23	04/23/02	LEGISLATURE; Auditor general; reference to duties of the auditor general for certain tax payments; eliminate. (Sen. T. McCotter)
181	5415		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. C. Kolb)
182	5421		Yes	4/23	4/23	04/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of community colleges; modify. (Rep. W. Kuipers)
183	5516		Yes	4/23	4/24	05/01/02	FINANCIAL INSTITUTIONS; Banks; financial institution to seize funds of terrorist organizations; require. (Rep. D. Sheltrown)
184	5517		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Credit unions; financial institution to seize funds of terrorist organizations; require. (Rep. M. Waters)
185	5518		Yes	4/23	4/24	5/1/02	FINANCIAL INSTITUTIONS; Savings and loan associations; financial institution to seize funds of terrorist organizations; require. (Rep. W. McConico)

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186		829	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority relating to the management of state funds; modify. (Sen. V. Garcia)
187		830	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the executive organization act of 1965; repeal. (Sen. B. Leland)
188		831	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the department of management and budget; modify. (Sen. V. Garcia)
189		832	Yes	4/23	4/24	4/24/02	LOCAL GOVERNMENT; Bonds; bonding authority for city exhibition areas; modify. (Sen. A. Smith)
190		835	Yes	4/23	4/24	04/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of tax increment finance authorities; modify. (Sen. V. Garcia)
191		1107	Yes	4/25	4/26	04/26/02	APPROPRIATIONS; School aid; school aid; adjust for fiscal year 2001-2002 and provide for fiscal year 2002-2003. (Sen. L. Stille)
192	5763		Yes	4/26	4/26	04/26/02	EMPLOYMENT SECURITY; Benefits; unemployment benefits; increase, revise calculation and payment, and include Indian tribes. (Rep. R. Richardville)
193		966	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for municipal borrowing; modify. (Sen. G. Peters)
194		967	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for borrowing for road purposes; modify. (Sen. V. Garcia)
195		968	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for bonds or notes for capital improvements; modify. (Sen. R. Emerson)
196		969	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of an employee-owned corporation revolving loan fund; repeal. (Sen. D. Byrum)
197		970	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. B. Bullard Jr.)

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198		972	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of the property tax act; modify. (Sen. S. Johnson)
199		974	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county improvement act; modify. (Sen. K. DeBeaussaert)
200		975	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county and regional parks; modify. (Sen. A. Sanborn)
201		976	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule cities; modify. (Sen. S. Johnson)
202		978	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of blighted area rehabilitation; modify. (Sen. B. Leland)
203		979	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county zoning act; modify. (Sen. T. McCotter)
204		980	Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of township zoning act; modify. (Sen. T. McCotter)
205	5182		Yes	4/26	4/29	04/29/02	OCCUPATIONS; Electricians; installation, maintenance, or servicing of certain lawn irrigation equipment and landscape lighting; exempt from license requirements. (Rep. W. Kuipers)
206	5576		Yes	4/26	4/29	05/01/02	CRIMINAL PROCEDURE; Sentencing guidelines; technical amendments; provide for. (Rep. J. Faunce)
207	5480		Yes	4/26	4/29	04/29/02	FOOD; Other; protection of halal food; provide penalties for consumer fraud. (Rep. G. Woronchak)
208	5525		Yes	4/26	4/29	04/29/02	AGRICULTURE; Weights and measures; voluntary registration of certain persons; provide for and update standards. (Rep. G. Van Woerkom)
209	5136		Yes	4/26	4/29	04/29/02	AGRICULTURE; Plants; destruction of certain crops grown for certain purposes; provide civil damages. (Rep. T. Meyer)

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210		1032	Yes	4/26	4/29	04/29/02	CRIMES; Other; provision relating to taunting of an individual as having been a convict or an inmate in a correctional facility or jail; repeal. (Sen. T. McCotter)
211		1027	Yes	4/26	4/29	04/29/02	ADVERTISING; Other; provision relating to sale and distribution of publications reporting certain criminal activity; repeal. (Sen. T. McCotter)
212	5102		Yes	4/26	4/29	04/29/02	CORRECTIONS; Other; short title for department of corrections act; provide for. (Rep. J. Faunce)
213	5623		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Tabor)
214	5625		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. G. DeRossett)
215	5626		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Ehardt)
216	5627		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Mead)
217	5628		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Hummel)
218	5629		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Murphy)
219	5630		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. W. McConico)

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220	5631		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. M. Waters)
221	5632		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. D. Hale)
222	5633		Yes	4/26	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. S. Pestka)
223		842	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; Michigan tax lien sale and collateralized securities act; repeal. (Sen. B. Hammerstrom)
224		843	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under the revised judiciary act; modify. (Sen. W. Van Regenmorter)
225		844	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of federal facility development act, the federal data facility act, and corresponding income tax credit; repeal. (Sen. J. Schwarz)
226		845	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of townships; modify. (Sen. W. Van Regenmorter)
227		847	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township water supply and sewage disposal services and facilities; modify. (Sen. B. Bullard Jr.)
228		849	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for township parks and places of recreation; modify. (Sen. B. Bullard Jr.)
229		850	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for public improvements; modify. (Sen. S. Johnson)

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230		851	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of charter townships; modify. (Sen. T. McCotter)
231		855	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of fourth class cities; modify. (Sen. W. North)
232		857	Yes	27-Apr	29-Apr	4/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of a community swimming pool authority; modify. (Sen. W. Van Regenmorter)
233		858	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of recreational authorities; modify. (Sen. S. Johnson)
234		860	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of downtown development authorities; modify. (Sen. B. Bullard Jr.)
235		861	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under local development financing act; modify. (Sen. D. Shugars)
236		862	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority under resort district rehabilitation act; modify. (Sen. B. Hammerstrom)
237		864	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for state convention facility development; modify. (Sen. M. Scott)
238		865	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority of county departments of solid waste management; modify. (Sen. G. Peters)
239		866	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT; Bonds; bonding authority for garbage disposal plants; modify. (Sen. J. Young Jr.)

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240		867	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority for city and village garbage disposal; modify. (Sen. J. Young Jr.)
241		868	Yes	4/27	4/29	04/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority of municipal sewage and water supply systems; modify. (Sen. K. DeBeaussiaert)
242		869	Yes	4/27	4/29	4/29/02	LOCAL GOVERNMENT ; Bonds; bonding authority under land reclamation and improvement authority act; modify. (Sen. M. Dunaskiss)
243		1166	Yes	4/30	4/30	4/30/02	PROPERTY TAX ; State education tax; summer levy; require. (Sen. H. Gast)
244		1165	Yes	4/30	4/30	4/30/02	PROPERTY TAX ; Millage; 1-time collection of a summer tax levy; provide for and amend title. (Sen. J. Schwarz)
245	5298		Yes	4/30	4/30	5/1/02	CRIMINAL PROCEDURE ; Mental capacity; "guilty but mentally ill" provisions; revise to conform with insanity statute. (Rep. J. Koetje)
246	5411		Yes	4/30	4/30	5/1/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the revised school code; modify. (Rep. M. Mortimer)
247		1007	Yes	4/30	4/30	5/1/02	FINANCIAL INSTITUTIONS ; Savings banks; financial institution to seize funds of terrorist organizations and report to attorney general; require. (Sen. G. Peters)
248	5624		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. L. Julian)
249	5634		Yes	4/30	4/30	04/30/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. I. Clark)
250		839	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT ; Bonds; bonding authority of uniform budgeting and accounting act; modify. (Sen. H. Gast)

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251		882	Yes	5/1	5/1	05/01/02	INSURANCE; No-fault; automobile insurance placement facility to provide for premium surcharges for various infractions; allow. (Sen. A. Sanborn)
252		1026	Yes	5/1	5/1	05/01/02	TRANSPORTATION; Carriers; requirement for vehicles transporting gasoline, benzine, or naphtha to be painted red; eliminate. (Sen. T. McCotter)
253		1057	Yes	5/1	5/1	05/01/02	HIGHWAYS; Construction and repair; widening and altering of state trunk line highways with approval of state administrative board; repeal certain section. (Sen. T. McCotter)
254	5472		Yes	5/1	5/1	05/01/02	ECONOMIC DEVELOPMENT; Brownfield redevelopment authority; specific taxes; include neighborhood enterprise zone act. (Rep. J. Allen)
255	4507		Yes	5/1	5/1	05/01/02	SALES TAX; Exemptions; exemption from paying sales tax on certain items; clarify procedure. (Rep. L. DeVuyst)
256		837	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local governmental units to accept financial transaction device payments; modify. (Sen. R. Emerson)
257		838	Yes	5/1	5/1	05/01/02	LOCAL GOVERNMENT; Bonds; bonding authority of local units authorizing and regulating credit card transactions; modify. (Sen. V. Garcia)
258		1006	Yes	5/1	5/1	*** #	AERONAUTICS; Other; criminal background checks on applicants for flight schools; require and provide for refusal to enroll under certain circumstances. (Sen. G. Hart)

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259	5504		Yes	5/1	5/1	05/01/02	TRAFFIC CONTROL; Driver license; criminal background checks on applicants for commercial driver license; require. (Rep. R. Brown)
260		1034	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to inciting an individual to violate a peace treaty with an Indian native or tribe; repeal. (Sen. T. McCotter)
261		1035	Yes	5/1	5/1	5/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of inciting an individual to violate a peace treaty with an Indian native or tribe; eliminate. (Sen. T. McCotter)
262		1037	Yes	5/1	5/1	05/01/02	CRIMES; Other; criminal provision relating to the use of bells on cutters and sleighs; repeal. (Sen. D. Koivisto)
263	5152		Yes	5/1	5/1	05/01/02	FINANCIAL INSTITUTIONS; Savings banks; conversion of a chartered savings bank to a mutual holding company; provide for. (Rep. A. Sanborn)
264	4848		Yes	5/8	5/9	05/09/02	LAW ENFORCEMENT; Other; provision regarding the appointment of unqualified undersheriff or deputy sheriff; repeal. (Rep. T. Stamas)
265	5151		Yes	5/8	5/9	01/01/03	CIVIL PROCEDURE; Civil actions; limitation on appeal bond; establish. (Rep. A. Richner)
266	5440		Yes	5/8	5/9	7/15/2002 #	CRIMES; Assaultive; assaulting, resisting, or obstructing an officer causing bodily injury, serious impairment of a body function, or death; prohibit and establish penalties. (Rep. J. Faunce)
267	5211		Yes	5/8	5/9	05/09/02	PROPERTY TAX; Personal property; electronic filing of personal property statement; allow. (Rep. S. Vear)

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268		982	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of community swimming pool authority; modify. (Sen. B. Leland)
269	5441		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crimes of assaulting, resisting, or obstructing an officer seriously injuring or causing injury, serious impairment, or death; provide for. (Rep. L. Julian)
270	5442		Yes	5/8	5/9	5/9/2002 #	CRIMES; Assaultive; penalties for assaulting, beating, wounding, obstructing, or endangering an officer other than a peace officer; establish. (Rep. J. Kooiman)
271	5443		Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of assaulting, beating, wounding, obstructing, or endangering officers other than peace officers; provide for. (Rep. R. Basham)
272	5601		Yes	5/8	5/9	7/15/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of obstructing firefighter; eliminate. (Rep. M. Kowall)
273		846	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of pavements, sidewalks, and elevated structures; modify. (Sen. J. Young Jr.)
274		848	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of township and village public improvements and public services; modify. (Sen. K. DeBeaussaert)
275		852	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of county boards of commissioners; modify. (Sen. A. Smith)

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276		853	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of general law village act; modify. (Sen. W. North)
277		854	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of home rule village act; modify. (Sen. K. DeBeaussaert)
278		1045	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of embezzlement of railroad passenger tickets; eliminate. (Sen. C. Dingell)
279		1047	Yes	5/8	5/9	5/9/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of larceny of railroad tickets; eliminate. (Sen. C. Dingell)
280	5568		Yes	5/8	5/9	05/09/02	ECONOMIC DEVELOPMENT; Plant rehabilitation; provision to include electric generating plants; extend sunset. (Rep. N. Cassis)
281	5755		Yes	5/8	5/9	05/09/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Rep. B. Patterson)
282	5752		Yes	5/8	5/9	05/09/02	VEHICLES; Equipment; provisions relating to requirement for certain equipment for certain vehicles weighing in excess of 10,000 pounds; repeal. (Rep. B. Patterson)
283	5486		Yes	5/8	5/9	05/09/02	HOUSING; Condominium; multiple amendments of the condominium act; provide for. (Rep. M. Bishop)
284		981	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village zoning act; modify. (Sen. T. McCotter)
285		983	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for neighborhood area improvements; modify. (Sen. A. Smith)

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286		984	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for permanent improvements by counties; modify. (Sen. W. North)
287		985	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of local improvement revolving fund; modify. (Sen. A. Smith)
288		986	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority for purchase of fire fighting equipment; modify. (Sen. A. Miller Jr.)
289		988	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT ; Bonds; bonding authority of safe drinking water financial assistance act; modify. (Sen. A. Sanborn)
290		1038	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to entering a train for robbery by means of intimidation; repeal. (Sen. C. Dingell)
291		1039	Yes	5/8	5/9	5/902	CRIMES ; Other; statute relating to forcible detention of a railroad train; repeal. (Sen. C. Dingell)
292		1040	Yes	5/8	5/9	05/09/02	CRIMES ; Robbery; statute relating to seizing a locomotive with mail or express car attached; repeal. (Sen. C. Dingell)
293		1042	Yes	5/8	5/9	05/09/02	CRIMES ; Fraud; criminal provision relating to the issuance of stocks, bonds, or corporate obligations in railroad companies; repeal. (Sen. C. Dingell)
294		1044	Yes	5/8	5/9	05/09/02	CRIMES ; Embezzlement; criminal provision relating to embezzlement of railroad passenger tickets; repeal. (Sen. C. Dingell)
295		1046	Yes	5/8	5/9	05/09/02	CRIMES ; Larceny; statute prohibiting larceny of railroad passenger ticket; repeal. (Sen. C. Dingell)
296		1048	Yes	5/8	5/9	05/09/02	CRIMES ; Counterfeiting; statute prohibiting forgery of railroad tickets; repeal. (Sen. C. Dingell)

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+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
297		1059	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of industrial development revenue bond act of 1963; modify. (Sen. J. Emmons)
298		1060	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of city and village water supply; repeal. (Sen. B. Bullard Jr.)
299		1061	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for public markets; repeal. (Sen. B. Leland)
300		1063	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan municipal distributable aid bond act; modify. (Sen. J. Emmons)
301		1065	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority for community airports; modify. (Sen. B. Leland)
302		1066	Yes	5/8	5/9	05/09/02	LOCAL GOVERNMENT; Bonds; bonding authority of Michigan export development act; modify. (Sen. B. Leland)
303	4057		Yes	5/10	5/10	05/10/02	HEALTH FACILITIES; Nursing homes; quality assurance assessment fee, prohibiting employment by certain health facilities of individuals with certain criminal history, and reporting of certain employer disciplinary action; provide for in certain cases. (Rep. P. Birkholz)
304		748	Yes	5/10	5/10	05/10/02	INSURANCE; Health; health maintenance organization deductibles, quality assurance assessment fee, and medicare supplement policy changes; provide for. (Sen. B. Hammerstrom)
305		685	Yes	5/11	5/13	05/13/02	HIGHWAYS; Name; portion of I-94 in Battle Creek; designate as the “94th Combat Infantry Division Memorial Highway.” (Sen. T. McCotter)
306		856	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT; Bonds; bonding authority of building authorities; modify. (Sen. J. Young Jr.)

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307		1068	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority of veterans' memorials on city lands; repeal. (Sen. J. Schwarz)
308		1069	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for police and fire protection; modify. (Sen. W. Van Regenmorter)
309		1070	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for county fairs and exhibitions; repeal. (Sen. J. Emmons)
310		1071	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for water supply and municipal lighting; repeal. (Sen. B. Bullard Jr.)
311		1072	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for village courthouse or jail; repeal. (Sen. A. Sanborn)
312		1075	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for joint public buildings; modify. (Sen. D. Shugars)
313		1081	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for sewerage disposal plants; repeal. (Sen. K. Sikkema)
314		1083	Yes	5/11	5/13	05/13/02	LOCAL GOVERNMENT ; Bonds; bonding authority for waterfront improvements; repeal. (Sen. B. Bullard Jr.)
315	4799		Yes	5/14	5/14	05/14/02	CITIES ; Home rule; funding for separation of storm water drainage and sanitary sewers on private property; provide for. (Rep. T. Stamas)
316		451	Yes	5/17	5/17	10/01/02	INSURANCE ; Health; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)
317		452	Yes	5/17	5/17	10/1/2002 #	INSURANCE ; Health care corporations; timely payment of health care benefits; provide for and establish penalties for noncompliance. (Sen. B. Schuette)

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318		934	Yes	5/22	5/22	5/22/2002 #	AERONAUTICS ; Other; criminal background checks on applicants for flight schools ; require. (Sen. J. Gougeon)
319	5138		Yes	5/23	5/23	05/23/02	STATE ; Symbol; historical society; designate as the official historical society of Michigan. (Rep. T. George)
320		1043	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crime of issuing stocks, bonds, or corporate obligations in railroad companies; eliminate. (Sen. C. Dingell)
321		1049	Yes	5/23	5/23	7/15/2002 #	CRIMINAL PROCEDURE ; Sentencing guidelines; sentencing guidelines for crimes of obstructing a firefighter and forging railroad tickets; eliminate. (Sen. C. Dingell)
322		1019	Yes	5/23	5/23	05/23/02	AGRICULTURE ; Other; rule-making authority regarding started pullets; repeal. (Sen. T. McCotter)
323		1025	Yes	5/23	5/23	05/23/02	FINANCIAL INSTITUTIONS ; Banks; provisions relating to the marking of ÓfakeÓ bank bills; repeal. (Sen. T. McCotter)
324	5547		Yes	5/23	5/23	05/23/02	LAW ENFORCEMENT ; State police; provision prohibiting employees of the Michigan state police from participating in political campaigns; repeal. (Rep. S. Hummel)
325	4603		Yes	5/23	5/23	05/23/02	CEMETERIES AND FUNERALS ; Burial; prepaid funeral contracts; increase cap. (Rep. S. Ehardt)
326	5822		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of base conversion authority act; modify. (Rep. B. Palmer)
327	5823		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of natural resources and environmental protection act; modify. (Rep. C. Bisbee)

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328	5836		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan transportation authorities act of 1967; modify. (Rep. J. Scranton)
329	5839		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Rep. G. Newell)
330	5840		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority to borrow from the motor vehicle highway fund; modify. (Rep. M. Shulman)
331	5844		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for limited access highways; modify. (Rep. R. Jamnick)
332	5855		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for township and village libraries; modify. (Rep. B. Vander Veen)
333	5845		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for grade separation bonds; modify. (Rep. K. Stallworth)
334	5821		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the revised school code; modify. (Rep. R. Jelinek)
335	5837		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of public transportation authority; modify. (Rep. L. Julian)
336	5838		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for highways within townships; modify. (Rep. D. Hart)
337	5841		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for mass transportation system authorities; modify. (Rep. J. Hansen)
338	5842		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public buildings and bridges; modify. (Rep. J. Pappageorge)
339	5843		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Rep. A. Richner)

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340	5846		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for bridge construction and maintenance; repeal. (Rep. K. Daniels)
341	5847		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for interstate bridge near navigable stream; repeal. (Rep. D. Sheltrown)
342	5848		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of aeronautics code; modify. (Rep. D. Bovin)
343	5849		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of the community mental health authority; modify. (Rep. S. Caul)
344	5851		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for public library bonds; repeal. (Rep. P. Birkholz)
345	5852		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority of district library financing act; modify. (Rep. L. Hager)
346	5854		Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT; Bonds; bonding authority for libraries under boards of education; modify. (Rep. J. Stewart)
347	5707		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in Michigan estate tax act; eliminate. (Rep. B. Patterson)
348	5708		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in collection of specific taxes; eliminate. (Rep. B. Patterson)
349	5709		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in certain drain taxes or highway assessments; eliminate. (Rep. B. Patterson)
350	5710		Yes	5/23	5/23	05/23/02	LEGISLATURE; Auditor general; reference to auditor general in certain bonds and obligations; eliminate. (Rep. B. Patterson)

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351	5711		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in highway statute; eliminate. (Rep. B. Patterson)
352	5712		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in aeronautics statute; eliminate. (Rep. B. Patterson)
353	5713		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in drain code; eliminate. (Rep. L. Julian)
354	5714		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; agricultural fair commission act; repeal. (Rep. L. Julian)
355	5717		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in railroad land statute; eliminate. (Rep. A. Lipsey)
356	5718		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in natural resources and environmental protection act; eliminate. (Rep. A. Lipsey)
357		1077	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of economic development corporation act; modify. (Sen. D. Shugars)
358		1084	Yes	5/23	5/23	05/23/02	LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan energy employment act of 1976; modify. (Sen. K. Sikkema)
359		639	Yes	5/23	5/23	05/23/02	INSURANCE ; Insurers; priority of claims distribution; modify. (Sen. B. Bullard Jr.)
360	4655		No	5/23	5/23	**	HEALTH ; Funding; priority of funding for family planning programs and services; revise procedure used by department of community health. (Rep. M. Jansen)
361	5220		Yes	5/23	5/23	05/23/02	HIGHWAYS ; Name; renaming a certain portion of business route 196; designate as "Cesar E. Chavez Way." (Rep. J. Voorhees)

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362	5611		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to duties of the auditor general regarding certain state officers; eliminate. (Rep. B. Patterson)
363	5612		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general in compensation of constitutional convention delegates; eliminate. (Rep. B. Patterson)
364	5613		Yes	5/23	5/23	05/23/02	LEGISLATURE ; Auditor general; reference to auditor general regarding impeachments; eliminate. (Rep. B. Patterson)
365	5615		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in a statute regarding deposit of bonds for certain state officers; eliminate. (Rep. B. Patterson)
366	5398		Yes	5/24	5/24	09/01/02	CRIMINAL PROCEDURE ; Defenses; defense of the voluntary consumption or ingestion of alcohol or controlled substance in all criminal cases; bar. (Rep. R. Johnson)
367	5662		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in act regarding department of treasury collections; eliminate. (Rep. B. Patterson)
368	5663		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general; eliminate. (Rep. B. Patterson)
369	5664		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general on state administrative board; eliminate. (Rep. W. Kuipers)
370	5665		Yes	5/24	5/24	05/24/02	LEGISLATURE ; Auditor general; reference to auditor general in uniform system of accounting; eliminate. (Rep. W. Kuipers)

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371	5666		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in claims to the state police; eliminate. (Rep. L. Julian)
372	5667		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in state employees' retirement act; eliminate. (Rep. L. Julian)
373	5668		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in assessment on certain improvements; eliminate. (Rep. B. Patterson)
374	5669		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in audit of county sheriffs; eliminate. (Rep. B. Patterson)
375	5670		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in home rule village act; eliminate. (Rep. G. Jacobs)
376	5671		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in fourth class city act; eliminate. (Rep. G. Jacobs)
377	5672		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in disconnection of land from cities or villages; eliminate. (Rep. A. Lipsey)
378	5673		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general receiving notice of vacancy in public offices; eliminate. (Rep. A. Lipsey)
379	5614		Yes	5/24	5/24	05/24/02	LEGISLATURE; Auditor general; reference to auditor general in act regarding employment of clerks and assistants to the governor; eliminate. (Rep. B. Patterson)
380		1168	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Vietnam veteran era bonus act; modify. (Sen. J. Schwarz)

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381		1171	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of the Michigan family farm development authority; modify. (Sen. A. Smith)
382		1177	Yes	5/24	5/24	05/24/02	LOCAL GOVERNMENT; Bonds; bonding authority of state building authority act; modify. (Sen. B. Bullard Jr.)
383		1179	Yes	5/28	5/28	05/28/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
384	5661		Yes	5/29	5/30	05/30/02	LEGISLATURE; Auditor general; reference to auditor general for certain expenses; eliminate. (Rep. B. Patterson)
385		1169	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of state housing development authority; modify. (Sen. A. Smith)
386		1178	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Financing; certain references to the municipal finance act; revise. (Sen. B. Bullard Jr.)
387		1180	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
388		1181	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
389		1182	Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of natural resources and environmental protection act; modify. (Sen. G. Peters)
390		776	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Other; consumer financial services act; amend to prohibit individuals who committed fraud from being licensed. (Sen. G. Steil)

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391		777	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; mortgage brokers, lenders, and servicers licensing act; provide for amendments. (Sen. G. Steil)
392		778	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; secondary mortgage act; provide for amendments. (Sen. G. Steil)
393		779	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Generally; regulatory loan act; provide for amendments. (Sen. G. Steil)
394		780	Yes	5/29	5/30	05/30/02	FINANCIAL INSTITUTIONS; Checks and drafts; sale of checks act; provide for amendments. (Sen. G. Steil)
395	5850		Yes	5/29	5/30	05/30/02	LOCAL GOVERNMENT; Bonds; bonding authority of municipal health facilities corporations; modify. (Rep. C. LaSata)
396	4625		Yes	5/29	5/30	5/30/2002 #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; authorize to finance sewage treatment works projects, storm water projects, and nonpoint source projects that improve the quality of the waters of the state. (Rep. B. Patterson)
397	5892		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; general obligation bonds; provide for issuance to finance sewage treatment works projects, stormwater projects, and nonpoint source projects, that improve the quality of the waters of the state. (Rep. T. Meyer)
398	5893		Yes	5/29	5/30	*** #	ENVIRONMENTAL PROTECTION; Funding; state water pollution control revolving fund; modify criteria for expenditures. (Rep. D. Mead)

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399	5237		Yes	5/29	5/30	05/30/02	ELECTIONS; Political parties; ballot access; revise requirements for. (Rep. L. Drolet)
400	5454		Yes	5/29	5/30	05/30/02	TORTS; Liability; governmental liability for negligence; add volunteers to certain provisions. (Rep. M. Bishop)
401		1096	Yes	6/3	6/3	06/03/02	DISABILITIES; Travel aids used by blind persons; include walkers. (Sen. B. Hammerstrom)
402		517	Yes	6/3	6/3	06/03/02	OCCUPATIONS; Physicians; referral of patients to facilities in which a physician has a financial interest; allow under certain circumstances. (Sen. B. Hammerstrom)
403		834	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority to pool investments; modify. (Sen. B. Bullard Jr.)
404		840	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state revenue sharing act; modify. (Sen. R. Emerson)
405		863	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the emergency municipal loan act; modify. (Sen. A. Miller Jr.)
406		870	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the drain code of 1956; modify. (Sen. G. McManus Jr.)
407		977	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the county department and board of public works; modify. (Sen. K. DeBeaussaert)
408		1064	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the local government fiscal responsibility act; modify. (Sen. A. Sanborn)

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409		1067	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of cities and villages owning public utilities; modify. (Sen. M. Scott)
410		1073	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan district act; modify. (Sen. A. Smith)
411		1076	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of metropolitan council act; modify. (Sen. D. Shugars)
412		1078	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of port authorities; modify. (Sen. K. Sikkema)
413		1079	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of brownfield redevelopment financing act; modify. (Sen. K. Sikkema)
414		1080	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of low-level radioactive waste authorities; modify. (Sen. G. Peters)
415		1082	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority for joint water and sewage disposal; modify. (Sen. K. Sikkema)
416		1167	Yes	6/3	6/3	06/03/02	LOCAL GOVERNMENT; Bonds; bonding authority related to state indebtedness; modify. (Sen. G. Peters)
417	5899		Yes	6/5	6/5	06/05/02	VEHICLES; Registration; definition of “wood harvesting” for purposes of transportation; revise to include raw materials produced in the woods or as produced at the harvest site. (Rep. S. Shackleton)
418		989	Yes	6/5	6/5	06/05/02	ENVIRONMENTAL PROTECTION; Toxic substances; pesticide control act; provide general amendments. (Sen. G. McManus Jr.)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
419		627	Yes	6/5	6/5	06/05/02	CONSTRUCTION; Equipment; technical amendments; provide for. (Sen. B. Hammerstrom)
420	5475		Yes	6/5	6/5	06/05/02	TRANSPORTATION; Railroads; maintenance of railroad grades; require written permission from both railroad and road authority to commence work and regulate the charge of certain fees. (Rep. J. Gilbert II)
421	5521		No	6/5	6/5	**	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for violations of the grain dealers act; provide for. (Rep. T. Meyer)
422		645	Yes	6/5	6/5	10/01/02	TRAFFIC CONTROL; Driver license; person making false bomb threat; include penalty prohibiting eligibility to obtain driver license until 21 years of age. (Sen. V. Garcia)
423		1009	Yes	6/5	6/5	06/05/02	OCCUPATIONS; Dental hygienists; education requirements for the administration of local anesthesia and nitrous oxide analgesia; clarify. (Sen. D. Shugars)
424	4217		Yes	6/5	6/5	06/05/02	HOUSING; Landlord and tenants; housing-with-services contract act; create. (Rep. J. Scranton)
425	5750		Yes	6/5	6/5	06/05/02	AGRICULTURE; Other; motor fuels quality act; remove certain rule-making authority of the department of agriculture. (Rep. B. Patterson)
426		1056	Yes	6/5	6/5	06/05/02	HIGHWAYS; Bridges; provision relating to construction of interstate bridge between Michigan and Wisconsin; repeal. (Sen. T. McCotter)
427	5107		Yes	6/5	6/5	06/05/02	WORKER'S COMPENSATION; Disabilities; members of a volunteer underwater diving team; include. (Rep. J. Vander Roest)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
428		891	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general regarding brine pipeline companies; eliminate. (Sen. T. McCotter)
429		893	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to auditor general in the revised judicature act of 1961; eliminate. (Sen. T. McCotter)
430		917	Yes	6/5	6/5	06/05/02	LEGISLATURE; Auditor general; reference to duties of the auditor general regarding certain purchases of state land; eliminate. (Sen. T. McCotter)
431	5466		Yes	6/6	6/6	06/06/02	ELECTIONS; Petitions; post office box on petitions; change to zip code and eliminate time deadlines for local ballot questions for year 2002. (Rep. A. Richner)
432	6114		Yes	6/6	6/6	06/06/02	CITIES; Boards and commissions; members of the Detroit city council; revise, subject to a vote, and establish redistricting commission. (Rep. K. Daniels)
433		422	Yes	6/10	6/10	06/10/02	BUSINESSES; Business corporations; certain provisions dealing with foreign corporations, winding up operations, and dissolution for insolvency; repeal. (Sen. B. Bullard Jr.)
434	5556		Yes	6/10	6/10	06/10/02	NATURAL RESOURCES; Fishing; miles of designated trout streams; authorize department to increase and allow children to take 1 fish. (Rep. J. Allen)
435		1172	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital authority; modify. (Sen. G. Peters)
436		1173	Yes	6/10	6/10	06/10/02	LOCAL GOVERNMENT; Bonds; bonding authority of the hospital finance authority act; modify. (Sen. G. Peters)

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437	4874		Yes	6/10	6/11	08/01/02	CIVIL RIGHTS; Privacy; disclosure of certain information regarding students of local or intermediate school districts or public school academies; exempt from freedom of information act. (Rep. T. Stamas)
438		738	Yes	6/10	6/11	06/11/02	BUSINESSES; Business corporations; rights of foreign corporations to maintain civil actions in this state; amend. (Sen. B. Bullard Jr.)
439		112	Yes	6/12	6/13	06/13/02	LOCAL GOVERNMENT; Other; reference to “Dominion of Canada” and definition of “agency of the United States government”; revise in urban cooperation act. (Sen. B. Schuette)
440		540	Yes	6/12	6/13	06/13/02	PROPERTY; Conveyances; certain state owned land in Macomb county; convey subject to certain restrictions. (Sen. J. Gougeon)
441	4994		Yes	6/12	6/13	06/13/02	HEALTH; Occupations; procedure for issuance of health professional license for certain individuals with health professional license issued in other state or any province of Canada; provide for. (Rep. A. Hardman)
442		1278	Yes	6/14	6/14	***	SINGLE BUSINESS TAX; Other; technical amendments for foreign persons; enact. (Sen. B. Bullard Jr.)
443		1204	Yes	6/17	6/17	06/17/02	TAXATION; Other; state tax on low grade iron ore; reduce and modify. (Sen. D. Koivisto)
444		841	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of fiscal stabilization act; modify. (Sen. B. Bullard Jr.)
445		859	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT; Bonds; bonding authority of urban cooperation act; modify. (Sen. S. Johnson)

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446		987	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of charter water authorities; modify. (Sen. J. Young Jr.)
447		1074	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of port districts; modify. (Sen. B. Bullard Jr.)
448		1269	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
449		1300	Yes	6/17	6/17	06/17/02	LOCAL GOVERNMENT ; Bonds; state loans to school districts; modify. (Sen. J. Emmons)
450		1313	Yes	6/17	6/17	06/17/02	EDUCATION ; Financing; definition of interest on qualified bonds for purposes of school bond loan fund; modify. (Sen. J. Emmons)
451		1265	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT ; Bonds; state trunk line system; modify. (Sen. J. Emmons)
452		1248	Yes	6/21	6/21	6/21/2002 #	SALES TAX ; Exemptions; mobile sourcing; provide for technical amendment. (Sen. J. Emmons)
453		1124	Yes	6/21	6/21	06/21/02	VEHICLES ; Other; certain motor home requirements; revise. (Sen. W. North)
454		415	Yes	6/21	6/21	06/21/02	NATURAL RESOURCES ; Rivers and streams; Michigan heritage water trail program; develop. (Sen. P. Hoffman)
455		477	Yes	6/21	6/21	6/21/2002 #	USE TAX ; Collections; certain aggregated taxable and nontaxable telephone, telegraph, or leased wire communications; allow for department to tax only taxable communications if provider can identify and separate on its books. (Sen. V. Garcia)

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456		824	Yes	6/21	6/21	6/21/2002 #	USE TAX; Collections; tax on mobile telecommunications; provide for sourcing. (Sen. J. Emmons)
457	5992		Yes	6/21	6/21	06/21/02	SALES TAX; Other; sales tax license fee; eliminate. (Rep. G. DeRossett)
458	5832		Yes	6/21	6/21	06/21/02	AGRICULTURE; Animals; revisions to livestock inspection and zoning procedures; provide for. (Rep. M. Pumford)
459	5778		Yes	6/21	6/21	06/21/02	OCCUPATIONS; Individual licensing and regulation; procedures for fingerprinting Michigan state bar licensing applicants; require to comply with federal mandates. (Rep. J. Faunce)
460	6043		Yes	6/21	6/21	06/21/02	ECONOMIC DEVELOPMENT; Downtown development authorities; exemption for village of Millington from certain filing requirements; provide for. (Rep. T. Meyer)
461	5758		Yes	6/21	6/21	06/21/02	WATER; Quality; arsenic testing program; extend sunset. (Rep. R. Johnson)
462	5927		Yes	6/21	6/21	06/21/02	INSURANCE; Insurers; qualified investment provisions; revise. (Rep. A. Richner)
463		928	Yes	6/21	6/21	06/21/02	LAW ENFORCEMENT; Fingerprinting; fee increases for fingerprint processing; provide for. (Sen. P. Hoffman)
464	5361		Yes	6/21	6/21	06/21/02	TRADE; Vehicles; periodic inspection requirements of body shops; eliminate. (Rep. D. Woodward)
465		965	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; revenue bonding act bonding authority; modify. (Sen. J. Emmons)
466		1267	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
467		1301	Yes	6/21	6/21	06/21/02	LOCAL GOVERNMENT; Bonds; bonding authority for state trunk line highway system; modify. (Sen. J. Emmons)

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468		217	Yes	6/21	6/21	06/21/02	OCCUPATIONS; Service occupations; appliance service dealers; define, provide for certain disclosures, and provide for remedies. (Sen. B. Bullard Jr.)
469		116	Yes	6/21	6/21	06/21/02	OCCUPATIONS; Pawnbrokers; regulation of pawnbrokers; revise to include other governmental units. (Sen. B. Schuette)
470		1201	Yes	6/21	6/21	06/21/02	STATE; Authorities; reporting of securities issued by state agencies; provide for. (Sen. B. Bullard Jr.)
471		1230	Yes	6/21	6/21	06/21/02	GAMING; Lottery; percentage of lottery payout; extend sunset provision. (Sen. J. Schwarz)
472		927	Yes	6/21	6/21	10/01/02	CRIMINAL PROCEDURE; Appeals; fee for application to set aside conviction; increase. (Sen. P. Hoffman)
473		425	Yes	6/21	6/21	10/01/02	OCCUPATIONS; Security guards; transfer of certain functions to department of consumer and industry services; provide for and revise certain fees. (Sen. P. Hoffman)
474		929	Yes	6/21	6/21	10/01/02	OCCUPATIONS; Private detectives; transfer of certain functions to the department of consumer and industry services and revision of fees for private detective licensure; provide for. (Sen. P. Hoffman)
475		992	Yes	6/21	6/21	10/1/2002 #	CRIMINAL PROCEDURE; Sentencing guidelines; sentencing guidelines for crime of conducting business as private detective or private investigator without license; amend to reflect increased penalties. (Sen. P. Hoffman)
476	4462		Yes	6/27	6/27	06/27/02	SCHOOL AID; Penalties; certain days and hours when instruction not provided due to train derailment; allow to be counted as days and hours of instruction for 2001-2002. (Rep. T. Meyer)

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477	5805		Yes	6/27	6/27	***	ECONOMIC DEVELOPMENT; Renaissance zones; requirement for local unit of government to apply to the board when extending the time to a sub-renaissance zone; provide for. (Rep. J. Allen)
478	5806		Yes	6/27	6/27	06/27/02	ECONOMIC DEVELOPMENT; Renaissance zones; application and approval procedures for renaissance zone status; clarify. (Rep. J. Rivet)
479	5587		Yes	6/27	6/27	06/27/02	PROPERTY TAX; Payment and collection; collection procedures for delinquent taxes levied on certain buildings and improvements located on certain leased real property; revise. (Rep. N. Cassis)
480	5991		Yes	6/27	6/27	6/27/2002 #	COMMERCIAL CODE; Secured transactions; reference to special tools lien act; provide for in the uniform commercial code. (Rep. C. LaSata)
481	5993		Yes	6/27	6/27	06/27/02	LIENS; Generally; nonpossessory lien of certain special tools; create. (Rep. A. Richner)
482		920	Yes	6/27	6/27	06/27/02	PROPERTY; Conveyances; certain parcels of state owned property in Branch county and Wayne county; provide for and transfer certain property between state departments. (Sen. P. Hoffman)
483	5279		Yes	6/27	6/27	10/01/02	CRIMINAL PROCEDURE; Other; posttrial bail for person convicted of certain assaultive crimes; prohibit and increase certain probation fees and expand certain peace officers' jurisdiction to pursue lawbreakers. (Rep. G. Woronchak)
484	6062		Yes	6/27	6/27	06/27/02	HEALTH FACILITIES; Other; local government appropriations from general fund to municipal health facilities; eliminate cap. (Rep. C. LaSata)

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485	5804		Yes	6/27	6/27	10/01/02	TRADE; Vehicles; flood vehicle title branding; provide for and revise special plate requirements for manufacturer test vehicles. (Rep. C. Phillips)
486	5591		Yes	6/27	6/27	06/27/02	INCOME TAX; Forms; listing of credits and deductions in instruction booklet and on treasury website; require. (Rep. N. Cassis)
487	5928		Yes	6/27	6/27	06/27/02	AGRICULTURE; Other; revisions and clarification of food law; provide for. (Rep. R. Johnson)
488	5889		Yes	6/27	6/28	06/28/02	STATE AGENCIES (EXISTING); Other; process for historical markers; modify and provide funding. (Rep. L. Julian)
489	5807		Yes	6/27	6/28	06/28/02	COUNTIES; Financing; issuance of bonds to expedite county monumentation and remonumentation plan; allow. (Rep. S. Shackleton)
490	5362		Yes	7/2	7/3	10/01/02	VEHICLES; License plates; dealer plate fee; revise. (Rep. P. Gielegghem)
491	5360		Yes	7/2	7/3	07/03/02	TRADE; Vehicles; certain inspection requirements of dealers; eliminate. (Rep. S. Hummel)
492		991	No	7/2	7/3	**	INSURANCE; Insurers; certain eligibility provisions; revise. (Sen. A. Sanborn)
493		1268	Yes	7/2	7/3	07/03/02	LOCAL GOVERNMENT; Bonds; bonding authority of the state trunk line highway system; modify. (Sen. J. Emmons)
494		1016	Yes	7/2	7/3	07/03/02	VEHICLES; Other; “electric personal assistive mobility device”; define and regulate. (Sen. B. Bullard Jr.)
495	5819		Yes	7/2	7/3	07/03/02	OCCUPATIONS; Architects, professional engineers, and surveyors; exemptions from article 20; revise and clarify. (Rep. W. Kuipers)

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496	5380		Yes	7/2	7/3	7/3/2002 #	ENVIRONMENTAL PROTECTION; Solid waste; scrap tire regulations; provide general amendments. (Rep. D. Mead)
497		1324	Yes	7/2	7/3	10/1/2002 #	ENVIRONMENTAL PROTECTION; Funding; title transfer fee for the scrap tire regulatory fund; provide for. (Sen. B. Hammerstrom)
498	5383		Yes	7/2	7/3	07/03/02	TRANSPORTATION; Funds; uniform definition of maintenance; provide for. (Rep. T. George)
499	5396		Yes	7/2	7/3	07/03/02	TRANSPORTATION; Other; asset management system; create. (Rep. L. Julian)
500		1314	Yes	7/2	7/3	07/03/02	LOCAL GOVERNMENT; Bonds; provisions regarding swaps; modify. (Sen. J. Emmons)
501		356	Yes	7/13	7/15	07/15/02	PROPERTY TAX; Payment and collection; collection date of certain special assessments for townships; permit collection in July. (Sen. G. McManus Jr.)
502		1359	Yes	7/15	7/16	07/16/02	CORRECTIONS; Parole; parole supervision fees; revise. (Sen. W. North)
503	5248		Yes	7/18	7/18	07/18/02	TAXATION; Tobacco; taxation on cigarettes; increase and modify distribution. (Rep. K. Stallworth)
504	5883		Yes	7/19	7/19	07/19/02	STATE; Purchasing; procedure for department of management and budget to award bids; require to be based on qualifications of certain professionals. (Rep. D. Mead)
505	5860		Yes	7/19	7/19	07/19/02	PROPERTY TAX; Assessments; use of computerized data base for tax roll; allow for county treasurers. (Rep. P. Birkholz)
506		1358	Yes	7/19	7/19	07/19/02	CRIMINAL PROCEDURE; Warrants; public availability of search warrant affidavit; clarify. (Sen. B. Bullard Jr.)

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507	4719		No	7/19	7/19	**	WATER; Quality; testing of water at bathing beaches; provide notice to the public. (Rep. P. Birkholz)
508	6066		Yes	7/23	7/23	07/23/02	STATE AGENCIES (EXISTING); Other; department of history, arts, and libraries; establish the Michigan film advisory commission and the Michigan film office. (Rep. J. Allen)
509	4414		Yes	7/23	7/23	07/23/02	ELECTIONS; Election officials; election inspector; allow any qualified registered elector of county to serve as inspector in school elections. (Rep. P. Birkholz)
510	6002		Yes	7/23	7/23	07/23/02	SALES TAX; International sporting events; create some exemptions. (Rep. C. Bisbee)
511		1370	Yes	7/23	7/23	07/23/02	USE TAX; Definitions; limited liability company; add to definition of person and provide for some exemptions for certain international sporting events. (Sen. J. Emmons)
512	6071		Yes	7/23	7/23	07/23/02	ECONOMIC DEVELOPMENT; Renaissance zones; alternative energy zone; create. (Rep. G. DeRossett)
513	5457		Yes	7/23	7/23	07/23/02	PUBLIC UTILITIES; Electric utilities; municipally owned electric utilities transfer of transmission facilities; clarify definitions. (Rep. K. Bradstreet)
514	5649		Yes	7/19	7/25	07/25/02	APPROPRIATIONS; Military affairs; department of military affairs; provide for fiscal year 2002-2003. (Rep. C. Brown)
515	5648		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Other; judiciary budget; provide for fiscal year 2002-2003. (Rep. P. Godchaux)
516	5642		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Agriculture; department of agriculture; provide for fiscal year 2002-2003. (Rep. M. Pumford)
517	5643		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS; Other; department of career development and Michigan strategic fund; provide for fiscal year 2002-2003. (Rep. S. Caul)

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518		1099	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Capital outlay; 2002-2003 fiscal year; provide for. (Sen. H. Gast)
519		1101	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Community health; department of community health; provide for fiscal year 2002-2003. (Sen. J. Gougeon)
520		1104	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Environmental quality; department of environmental quality; provide for fiscal year 2002-2003. (Sen. L. Bennett)
521	5881		Yes	7/25	7/25	07/25/02	SCHOOL AID ; Fiscal year appropriations; appropriations for 2003-2004 fiscal year; provide for and make revisions to school aid act due to proposed changes in accreditation and assessment programs. (Rep. C. LaSata)
522		1103	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Education; department of education; provide for fiscal year 2002-2003. (Sen. L. Stille)
523	5647		Yes	7/25	7/25	07/25/02	APPROPRIATIONS ; Other; department of history, arts, and libraries; provide for fiscal year 2002-2003. (Rep. M. Shulman)
524		1102	Yes	7/25	7/25	07/25/02	APPROPRIATIONS ; Corrections; department of corrections; provide for fiscal year 2002-2003. (Sen. W. North)
525		1106	Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Natural resources; department of natural resources; provide for fiscal years 2001-2002 and 2002-2003. (Sen. G. McManus Jr.)
526	5650		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; State police; department of state police; provide for fiscal year 2002-2003. (Rep. C. Brown)
527	5644		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Consumer and industry services; department of consumer and industry services and Michigan jobs commission; provide for fiscal year 2002-2003. (Rep. M. Shulman)

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528	5646		Yes	7/25	7/25	7/25/2002 + #	APPROPRIATIONS ; General; general government; provide for fiscal year 2002-2003. (Rep. J. Pappageorge)
529	5645		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Family independence agency; family independence agency; provide for fiscal year 2002-2003. (Rep. M. Jansen)
530	4373		Yes	7/25	7/25	7/25/2002 +	APPROPRIATIONS ; Supplemental; supplemental appropriation; provide for fiscal years 2000-2001 and 2002-2003. (Rep. M. Shulman)
531		1322	Yes	7/25	7/25	07/25/02	SINGLE BUSINESS TAX ; Credit; companies that research, develop, or produce alternative energy technologies; provide exemption, and provide incentive for certain investments. (Sen. J. Emmons)
532	5458		Yes	7/25	7/25	07/25/02	PUBLIC UTILITIES ; Electric utilities; municipally owned electric utilities transfer of transmission facilities; allow. (Rep. J. Rivet)
533	5459		Yes	7/25	7/25	07/25/02	PUBLIC UTILITIES ; Electric utilities; municipally owned electric utilities transfer of transmission facilities; clarify. (Rep. B. Vander Veen)
534		1232	Yes	7/25	7/26	10/01/02	TRAFFIC CONTROL ; Driver license; commercial driver license revisions; provide for compliance with federal law. (Sen. J. Schwarz)
535		1094	Yes	7/25	7/26	07/26/02	TRANSPORTATION ; Carriers; front loading device or boom; prohibit movement on highway under certain conditions. (Sen. J. Schwarz)
536		809	Yes	7/25	7/26	07/26/02	LAW ENFORCEMENT ; Local police; exemption of weapons used by law enforcement officers; revise. (Sen. V. Garcia)
537		926	Yes	7/25	7/26	07/26/02	HIGHER EDUCATION ; Financial aid; time period for use of Michigan merit award scholarship; shorten to 4 years and prescribe application deadline. (Sen. J. Schwarz)

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- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
538		1241	Yes	7/25	7/26	01/22/03	INSURANCE; Health; coverage for Off-label drug use; provide for. (Sen. J. Schwarz)
539		1242	Yes	7/25	7/26	01/22/03	INSURANCE; Health care corporations; coverage for Off-label drug use; provide for. (Sen. J. Schwarz)
540	5336		Yes	7/25	7/26	07/26/02	LIBRARIES; District; millage cap; allow for reduced amount of tax in a district library agreement and authorize consolidated district libraries in certain circumstances. (Rep. D. Mead)
541		1302	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Financing; technical amendments to the revised municipal finance act; provide for. (Sen. J. Emmons)
542		1275	Yes	7/25	7/26	10/01/02	CRIMINAL PROCEDURE; Sex offender registration; certain sexual offenders who are employed by or are students at institutions of higher education to make certain reports to certain police agencies; require. (Sen. B. Hammerstrom)
543		184	Yes	7/25	7/26	07/26/02	TORTS; Immunity; physician's assistants; add to list of medical professions granted immunity from liability under certain circumstances. (Sen. J. Schwarz)
544		794	Yes	7/25	7/26	07/26/02	RECORDS; Birth; live birth records over 100 years old; allow any person to obtain a certified copy from the state registrar or a local registrar. (Sen. J. Schwarz)
545		833	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Bonds; bonding authority to purchase lands and property for public purposes; modify. (Sen. D. Byrum)
546		1174	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Bonds; bonding authority of the higher education facilities authority; modify. (Sen. D. Byrum)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
547		1175	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority of the higher education loan authority; modify. (Sen. D. Byrum)
548		1176	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority for financing student loan programs ; modify. (Sen. D. Byrum)
549	6074		Yes	7/25	7/26	07/26/02	PROPERTY TAX ; Personal property; alternative energy system, vehicles, and technology; exempt. (Rep. R. Richardville)
550		534	Yes	7/25	7/26	7/26/2002 #	CEMETERIES AND FUNERALS ; Other; sale of cemetery assets under certain circumstances; allow. (Sen. L. Stille)
551		535	Yes	7/25	7/26	7/26/2002 #	LOCAL GOVERNMENT ; Other; procedure for acquisition of certain cemeteries by municipal corporations; revise. (Sen. L. Stille)
552	5365		Yes	7/25	7/26	10/01/02	TRADE; Vehicles ; deadline for forwarding certificates of title to vehicle purchaser and special permits for certain wide vehicles; provide for. (Rep. S. Thomas III)
553		924	Yes	7/25	7/26	10/1/2002 #	STATE ; Identification cards; design of state identification cards; revise. (Sen. S. Johnson)
554		925	Yes	7/25	7/26	10/1/2002 #	TRAFFIC CONTROL ; Driver license; design of driver licenses; revise. (Sen. L. Bennett)
555		1062	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority for gifts of property to municipalities; modify. (Sen. V. Garcia)
556		1170	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT ; Bonds; bonding authority of Michigan strategic fund; modify. (Sen. D. Byrum)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
557		1266	Yes	7/25	7/26	07/26/02	LOCAL GOVERNMENT; Bonds; bonding authority of state trunk line system; modify. (Sen. J. Emmons)
558		395	Yes	8/27	8/28	08/28/02	HOLIDAYS; “michigan day of remembrance of the Armenian genocide of 1915-1923”; designate as April 24. (Sen. T. McCotter)
Veto	4022					03/15/02	TRAFFIC CONTROL; Speed restrictions; speed limits; allow input by townships in setting certain speed limits. (Rep. R. Jamnick)
Veto	4990					07/23/02	EDUCATION; Special; membership on special education advisory board; revise. (Rep. W. Kuipers)
Veto	5103					07/06/02	OCCUPATIONS; Health care professions; “health profession specialty field certification” and quality assurance assessment fee for hospitals; revise term to “health profession specialty field license” and provide for. (Rep. R. Basham)
Veto		117				07/25/02	SINGLE BUSINESS TAX; Rate; accelerated reduction; provide for under certain circumstances. (Sen. G. Steil)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after *sine die* adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto

- Tie bar

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2002 RULE FILINGS)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
281.1224	*	3	285.408.24	R	12	285.1302	*	6
285.351	N	4	285.408.25	R	12	285.1303	*	6
285.352	N	4	285.408.27	R	12	285.1304	*	6
285.353	N	4	285.408.29	R	12	285.1306	*	6
285.354	N	4	285.409.1	R	12	285.1307	*	6
285.355	N	4	285.636.1	*	13	285.1308	*	6
285.356	N	4	285.636.2	*	13	285.1309	*	6
285.400.1	R	12	285.636.3	*	13	285.1310	*	6
285.402.1	R	12	285.636.4	*	13	285.1311	*	6
285.404.1	R	12	285.636.5	*	13	285.1312	*	6
285.405.1	R	12	285.636.7	*	13	285.1313	*	6
285.407.1	R	12	285.636.8	*	13	285.1314	*	6
285.407.2	R	12	285.636.10	R	13	285.1315	*	6
285.407.3	R	12	285.636.12	*	13	285.1316	*	6
285.407.4	R	12	285.636.15	*	13	285.1317	*	6
285.407.5	R	12	285.808.1	*	8	285.1318	*	6
285.407.6	R	12	285.808.2	*	8	285.1319	*	6
285.408.1	R	12	285.812.1	*	13	285.1320	*	6
285.408.2	R	12	285.812.3	*	13	285.1321	*	6
285.408.3	R	12	285.812.4	*	13	285.1322	*	6
285.408.4	R	12	285.812.6	*	13	285.1323	*	6
285.408.5	R	12	285.812.6a	R	13	285.1324	*	6
285.408.2	R	12	285.812.7a	*	13	285.1325	*	6
285.408.5	R	12	285.814.1	*	8	285.1326	*	6
285.408.6	R	12	285.814.2	*	8	285.1327	*	6
285.408.7	R	12	285.814.3	*	8	285.1328	*	6
285.408.8	R	12	285.814.4	*	8	285.1329	*	6
285.408.9	R	12	285.814.5	*	8	285.1330	*	6
285.408.10	R	12	285.814.7	*	8	285.1331	*	6
285.408.11	R	12	285.820.1	*	8	285.1332	*	6
285.408.12	R	12	285.820.5	*	8	285.1401	*	6
285.408.13	R	12	285.820.6	*	8	285.1402	R	6
285.408.14	R	12	285.1101	*	6	285.1403	*	6
285.408.15	R	12	285.1102	*	6	285.1404	R	6
285.408.16	R	12	285.1103	*	6	285.1405	*	6
285.408.17	R	12	285.1104	*	6	285.1406	*	6
285.408.18	R	12	285.1201	*	6	285.1407	R	6
285.408.19	R	12	285.1202	*	6	285.1408	*	6
285.408.21	R	12	285.1203	*	6	285.1501	*	6
285.408.23	R	12	285.1301	*	6	285.1510a	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
285.1502	*	6	291.304	*	8	291.375	*	8
285.1503	*	6	291.311	*	8	291.377	*	8
285.1504	*	6	291.312	*	8	291.378	*	8
285.1505	*	6	291.313	*	8	291.379	*	8
285.1506	*	6	291.314	*	8	291.381	*	8
285.1507	*	6	291.315	*	8	291.391	*	8
285.1508	*	6	291.316	*	8	291.392	*	8
285.1509	*	6	291.317	*	8	291.393	*	8
285.1510	*	6	291.318	*	8	291.394	*	8
285.1511	*	6	291.319	*	8	291.395	*	8
285.1512	*	6	291.321	*	8	291.397	*	8
285.1513	*	6	291.322	*	8	291.398	*	8
285.1514	*	6	291.331	*	8	291.399	*	8
285.1515	*	6	291.332	*	8	291.400a	A	8
285.1516	R	6	291.333	*	8	291.401	*	8
285.1517	*	6	291.334	*	8	291.402	*	8
285.1601	R	6	291.335	*	8	291.403	*	8
285.1602	*	6	291.336	*	8	291.404	*	8
285.1603	*	6	291.337	*	8	291.405	*	8
285.1604	*	6	291.338	*	8	291.407	A	8
285.1605	*	6	291.339	*	8	291.413	*	8
285.1606	*	6	291.341	*	8	291.422	*	8
285.1607	*	6	291.342	*	8	291.423	*	8
285.1608	R	6	291.343	*	8	291.424	A	8
285.1609	R	6	291.344	*	8	291.425	*	8
285.1701	*	6	291.345	*	8	291.426	*	8
285.1702	*	6	291.346	*	8	291.427	*	8
285.1703	*	6	291.347	*	8	291.441	*	8
285.1704	*	6	291.351	*	8	291.442	*	8
285.1705	*	6	291.352	*	8	291.443	*	8
285.1801	*	6	291.353	*	8	291.449	*	8
285.1901	*	6	291.354	*	8	291.450	*	8
285.1902	*	6	291.355	*	8	291.471	*	8
285.1903	*	6	291.356	*	8	291.472	R	8
285.1904	*	6	291.357	*	8	291.473	R	8
285.1905	*	6	291.358	*	8	291.475	R	8
285.1906	*	6	291.359	*	8	291.476	R	8
285.1907	*	6	291.360	*	8	291.478	R	8
291.301	*	8	291.363	*	8	291.479	R	8
291.303	*	8	291.365	*	8	291.480	R	8

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
291.491	*	8	318.122	*	13	325.11506	*	10
291.492	*	8	318.123	*	13	325.60151	*	1
291.493	*	8	318.124	*	13	325.60701	A	14
291.494	*	8	318.126	R	13	325.60702	A	14
291.495	R	8	318.127	*	13	325.60703	A	14
291.496	*	8	318.129	*	13	325.60704	A	14
291.497	*	8	318.133	*	13	325.66201	A	4
299.641	R	12	318.134	*	13	325.77101	*	1
299.642	R	12	318.135	R	13	336.1102	*	10
299.643	R	12	318.136	*	13	336.1104	*	10
299.644	R	12	318.141	*	13	336.1105	*	10
299.645	R	12	318.142	*	13	336.1107	*	10
299.646	R	12	318.143	*	13	336.1108	*	10
299.647	R	12	318.144	*	13	336.1113	*	10
299.648	R	12	318.145	*	13	336.1118	*	10
299.649	R	12	318.145b	*	13	336.1120	*	10
299.650	R	12	318.146	*	13	336.1301	*	5
299.651	R	12	318.147	R	13	336.1303	*	5
299.652	R	12	325.10103	*	10	336.1330	*	5
299.653	R	12	325.10105	*	10	336.1331	*	5
299.654	R	12	325.10106	*	10	336.1371	*	5
299.655	R	12	325.10107	*	10	336.1372	*	5
299.656	R	12	325.10108	*	10	336.1374	*	5
299.657	R	12	325.10109	*	10	336.1401	*	5
299.658	R	12	325.10112	*	10	336.1403	*	5
299.659	R	12	325.10116	A	10	336.1601	*	5
299.1027	*	12	325.10410	*	10	336.1602	*	5
318.111	*	13	325.10604c	*	10	336.1604	*	5
318.112	R	13	325.10604f	*	10	336.1605	*	5
318.113	R	13	325.10705	*	10	336.1606	*	5
318.114	R	13	325.10710	*	10	336.1607	*	5
318.115	R	13	325.10710a	*	10	336.1608	*	5
318.116	R	13	325.10710b	*	10	336.1610	*	5
318.117	R	13	325.10710c	*	10	336.1615	*	5
318.118	R	13	325.10710d	*	10	336.1616	*	5
318.119a	R	13	325.10716	*	10	336.1617	*	5
318.119c	R	13	325.10717b	*	10	336.1618	*	5
318.119d	R	13	325.10734	*	10	336.1619	*	5
318.120	R	13	325.10736	R	10	336.1622	*	5
318.121	*	13	325.10738	R	10	336.1623	*	5

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number
336.1627	*	5	336.2190	*	5	339.22203	*	16
336.1628	*	5	338.1555	A	1	339.22205	*	16
336.1629	*	5	338.3101	*	7	339.22207	*	16
336.1630	*	5	338.3102	*	7	339.22209	*	16
336.1631	*	5	338.3113	*	7	339.22211	*	16
336.1651	*	5	338.3113a	*	7	339.22213	*	16
336.1701	*	5	338.3114a	*	7	339.22215	*	16
336.1702	*	5	338.3117	*	7	339.22301	*	16
336.1703	*	5	338.3119a	*	7	339.22305	*	16
336.1704	*	5	338.3120	*	7	339.22307	*	16
336.1705	*	5	338.3121a	A	7	339.22309	*	16
336.1901	*	5	338.3123	*	7	339.22310	A	16
336.1906	*	5	338.3125	*	7	339.22311	*	16
336.1911	*	5	338.3126	A	7	339.22313	*	16
336.1915	A	10	338.3127	*	7	339.22315	*	16
336.1916	A	10	338.3132	*	7	339.22317	*	16
336.1930	*	5	338.3133	R	7	339.22321	*	16
336.1931	*	5	338.3134	R	7	339.22323	*	16
336.1932	*	5	338.3136	*	7	339.22325	*	16
336.2001	*	5	338.3138	*	7	339.22333	*	16
336.2002	*	5	338.3139	*	7	339.22339	*	16
336.2003	*	5	338.3141	*	7	339.22401	*	16
336.2004	*	5	338.3143	*	7	339.22515	*	16
336.2005	*	5	338.3145	*	7	339.22519	*	16
336.2007	*	5	338.3151	*	7	339.22523	*	16
336.2011	*	5	338.3152	*	7	339.22525	R	16
336.2012	*	5	338.3153	*	7	339.22527	*	16
336.2013	*	5	338.3153a	*	7	339.22601	*	16
336.2014	*	5	338.3154	*	7	339.22602	A	16
336.2021	*	5	338.3161	*	7	339.22604	A	16
336.2040	*	5	338.3162	*	7	339.22605	A	16
336.2041	*	5	338.3162a	*	7	339.22609	*	16
336.2060	*	5	338.3163	*	7	339.22613	*	16
336.2101	*	5	338.3167	*	7	339.22631	*	16
336.2150	*	5	338.3168	*	7	339.22633	R	16
336.2155	*	5	338.3169	*	7	339.22635	R	16
336.2159	*	5	338.3170	*	7	339.22637	R	16
336.2170	*	5	339.22101	*	16	339.22651	*	16
336.2175	*	5	339.22103	*	16	339.22654	A	16
336.2189	*	5	339.22201	*	16	339.22655	*	16

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
339.22659	*	16	340.1715	*	11	340.1743	*	11
339.22661	R	16	340.1716	A	11	340.1744	*	11
339.22663	*	16	340.1721	*	11	340.1745	*	11
339.22664	A	16	340.1721a	*	11	340.1746	*	11
339.22337	*	16	340.1721b	*	11	340.1747	*	11
339.23101	*	9	340.1721c	*	11	340.1748	*	11
339.23103	*	9	340.1721d	*	11	340.1749	*	11
339.23201	*	9	340.1721e	*	11	340.1749a	*	11
339.23203	*	9	340.1722	*	11	340.1749b	*	11
339.23207	*	9	340.1722a	*	11	340.1749c	*	11
339.23301	*	9	340.1722c	R	11	340.1750	*	11
339.23303	*	9	340.1722d	R	11	340.1751	*	11
339.23307	*	9	340.1722e	*	11	340.1753	R	11
339.23309	*	9	340.1722f	R	11	340.1754	*	11
339.23311	*	9	340.1723	R	11	340.1755	*	11
339.23317	*	9	340.1723a	R	11	340.1756	*	11
339.23319	*	9	340.1723b	R	11	340.1757	*	11
339.23321	*	9	340.1723c	*	11	340.1758	*	11
339.23323	*	9	340.1724	*	11	340.1771	*	11
339.23326	A	9	340.1724a	*	11	340.1772	*	11
339.23401	*	9	340.1724b	R	11	340.1773	R	11
339.23403	*	9	340.1724c	A	11	340.1774	A	11
339.23405	*	9	340.1724d	*	11	340.1781	*	11
340.1701	*	11	340.1725	R	11	340.1782	*	11
340.1701a	*	11	340.1725a	R	11	340.1783	*	11
340.1701b	*	11	340.1725b	R	11	340.1783a	A	11
340.1701c	A	11	340.1725c	R	11	340.1784	R	11
340.1702	*	11	340.1725d	R	11	340.1785	R	11
340.1703	R	11	340.1725e	*	11	340.1786	*	11
340.1704	R	11	340.1725f	A	11	340.1787	*	11
340.1705	*	11	340.1732	*	11	340.1788	*	11
340.1706	*	11	340.1733	*	11	340.1790	*	11
340.1707	*	11	340.1734	*	11	340.1791	R	11
340.1708	*	11	340.1736	R	11	340.1792	*	11
340.1709	*	11	340.1737	R	11	340.1793	*	11
340.1709a	A	11	340.1738	*	11	340.1793a	A	11
340.1710	*	11	340.1739	*	11	340.1794	R	11
340.1711	*	11	340.1740	*	11	340.1795	*	11
340.1713	*	11	340.1741	*	11	340.1796	*	11
340.1714	*	11	340.1742	*	11	340.1797	*	11

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
340.1798	*	11	340.1871	R	11	408.40128	*	14
340.1799	*	11	340.1872	R	11	408.40132	*	14
340.1799a	*	11	340.1873	R	11	408.40133	*	14
340.1799b	*	11	408.8151	*	13	408.40134	A	14
340.1799c	*	11	408.11801	*	7	408.41801	*	17
340.1799d	R	11	408.11803	*	7	408.41802	A	17
340.1799e	A	11	408.11804	*	7	408.41836	*	17
340.1799f	A	11	408.11805	*	7	408.41837	*	17
340.1801	*	11	408.11806	*	7	408.41838	*	17
340.1802	*	11	408.11807	A	7	408.41841	*	17
340.1803	*	11	408.11808	A	7	408.41842	*	17
340.1805	R	11	408.11821	*	7	408.41851	*	17
340.1806	R	11	408.11822	*	7	408.41852	*	17
340.1808	*	11	408.11824	*	7	408.41853	*	17
340.1809	*	11	408.11825	*	7	408.41861	*	17
340.1810	*	11	408.11826	R	7	408.41863	*	17
340.1811	*	11	408.11827	A	7	408.41864	*	17
340.1812	*	11	408.11833	A	7	408.41866	*	17
340.1831	*	11	408.11835	*	7	408.41868	*	17
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408.42623	R	17	418.10912	*	1	423.142	A	1
408.42626	A	17	418.10916	*	1	423.143	A	1
408.42628	A	17	418.10918	R	1	423.144	A	1
408.42629	A	17	418.10923	*	1	423.145	A	1
408.42630	R	17	418.101005	A	1	423.146	A	1
408.42632	R	17	421.121	*	7	423.147	A	1
408.42634	A	17	421.122	*	7	423.148	A	1
408.42636	A	17	421.150	*	7	423.149	A	1
408.42638	A	17	421.190	*	7	423.149a	A	1
408.42640	*	17	421.201	*	7	423.149b	A	1
408.42642	R	17	421.204	*	7	423.151	A	1
408.42643	A	17	421.216	*	7	423.152	A	1
408.42644	A	17	421.210	*	7	423.153	A	1
408.42645	A	17	421.1101	*	17	423.154	A	1
408.42646	A	17	421.1103	*	17	423.155	A	1
408.42648	A	17	421.1110	*	17	423.156	A	1
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408.42655	A	17	421.1305	*	17	423.163	A	1
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423.444	R	1			
423.445	R	1			
423.446	R	1			
423.447	R	1			
423.448	R	1			
423.449	R	1			
423.450	R	1			
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423.452	R	1			
423.453	R	1			
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423.455	R	1			
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